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THE Clerk's Instructor IN The Ecclesiastical Courts.

CHAP. I.

Of Diffamation or Defamation, and the Cognizance thereof.

DIFFAMATION, or more properly Defamation, is the Uttering of reproachful Speeches, or contumelious Language concerning any Person, with Intent of raising an ill Fame of the Party so reproached; *Defamare est in Malâ famâ ponere*, according to *Bartolus* (*a*). And this extends to Writing, as by Defamatory Libels, and also to Deeds, as by reproachful Postures, Signs

(*a*) *Inst.* I. 5. *D.* 30. 1.

and Geſtures, ſee *Linwood* (*a*). And for the moſt part it proceeds of Malice, implying either Matters of Crime or Defect; ſo it generally aims at ſome Prejudice or Damage to the Party defamed. Whatever Cognizance the Temporal Laws of this Realm do take of Defamations by Virtue of Prohibitions and Actions on the Caſe, yet it will not be denied, but that the Cognizance, when they are duely proſecuted, properly belongs to the Eccleſiaſtical Court; eſpecially where the Matter of Defamation is merely Eccleſiaſtical. For it is recorded by an ancient Statute of the Realm (*b*), That Defamation ſhall be tried in the Spiritual Court. And again it is ſaid (*c*), That Prelates ſhall correct this Crime by Corporal Penance, the King's Prohibition notwithſtanding. But if the Offender will redeem the Penance with Money, the Prelate may receive the Money, tho' the King's Prohibition be ſhewn.

(*a*) *Lib.* 5. Tit. 17. *c.* 1. 5. *Quocunque in Gloſſ.*

(*b*) *Circumſp. agat.* 13 *E.* 1.

(*c*) *Artic. Cler.*

By the Preamble alſo of the Statutes for Citations (*d*), it is plainly inferred, that Defamations belong to the Cognizance of Eccleſiaſtical Juriſdiction, provided they be duely proſecuted according to Law. It likewiſe appears by the Books of the Common Law, throughout the Arguments made in the great Caſe of Prohibitions, in the Time of King *Henry* the VIIth (*e*), That the Suit of Defamations does hereunto belong; for there, both by the Serjeants that oppoſed the Conſultation, as well as others, and by the Judges that granted the Conſultation, it was yielded, that the Puniſhment of Slander or Defamation did appertain to the

(*d*) 23 *H.* 8. *c.* 9.

(*e*) *F.* 12 *H.* 7. *fol.* 22.

the Spiritual Law, if the Original Cauſe was Defamation. And whereas there is a Provincial Conſtitution in *Linwood*, that decrees a Slanderer or Defamer of another to be *ipſo facto* excommunicated. This is allowed by a Conſtitution in the *Regiſter* (*a*) to belong to the Eccleſiaſtical Court; and it is there added to this Effect, *viz. Si in cauſa Diffamationis ad pœnam Canonicam imponendam agatur, tunc ulterius licite facere poteritis, quod ad Forum Eccleſiæ noveritis pertinere, prohibitione noſtra non obſtante.*

(*a*) *Reg. p.* 49. *a.*

A Perſon ſued another in a Cauſe of Defamation in the Eccleſiaſtical Court (*b*), and failing in his Proofs, the Defendant was abſolved, and the Plaintiff condemned in Expences of Suit to him; but the Plaintiff, to hinder the Execution of the Sentence, and to eſcape without the Payment of thoſe Expences, procured a Prohibition; yet upon debating the Matter, a Conſultation was awarded herein; ſo that we ſee that both the Principal and the Acceſſary Cauſe to be of Eccleſiaſtical Cognizance. But touching Defamation, for which a Suit is commenced in the Eccleſiaſtical Court, it was reſolved, that the Matter muſt be merely Spiritual, and determinable only there; for if it concerns any Matter which is determinable at the Common Law, the Eccleſiaſtical Judge has not Cognizance thereof (*c*). *Brook* in his Abridgment of the Law (*d*) ſeems to ſay, that no Defamation at all is of Eccleſiaſtical Cognizance. And a Book Caſe in *Henry* the IV.'s Reign, not throughly conſider'd, gave Occaſion to this great Miſtake: But the Truth is, that

(*b*) *Reg. p.* 51. *a.*

(*c*) *Coke*, 4 *Rep. p.* 20.

(*d*) Tit. *Conſultation, n.* 2. *& alibi.*

by that Caſe is meant only, that ſuch Defamation as ariſes on a Temporal Matter, is not of Eccleſiaſtical Cognizance, which is the firſt Exception of the general Rule ſet down in the Statute of *Circumſpectè agatis*; where it is ſaid, that Defamation ſhall be tried in the Eccleſiaſtical Court; and that the ſaid Caſe is to be reſtrained to ſuch Defamation, will plainly appear to him that conſiders the Scope of *Hangford*'s Argument (*a*). The Vicar of *Saltaſh* had taken an Oath before the Pope's Collector, in Confirmation of an Obligation made by him. The Dean of *Windſor* ſued the Vicar before the Collector *pro læſione fidei*; and hereupon the Vicar purchaſed a Prohibition. *Hangford*, in Maintenance of this Prohibition, argued, that the Perjury could not be ſued in the Eccleſiaſtical Court, becauſe it aroſe on a Temporal Matter; adding, for Proof of his Argument, that he himſelf had a Prohibition on the like Occaſion ruled for him, and againſt the Archbiſhop of *Canterbury* (*b*). *Par Attachment ſur Prohibition, &c. de ceo que il ſuiſt en Court Chriſtian, pour Diffamation.* But the Matter was not then ruled againſt the Archbiſhop ſimply for ſuing Defamation there, but for ſuing of ſuch a Kind of Defamation; otherwiſe this would not have fitted the Purpoſe of *Hangford*'s Argument, becauſe it being his Buſineſs to prove, that a *læſio fidei*, ariſing on a Temporal Cauſe, might not be ſued in an Eccleſiaſtical Court, he could make no Colour of that Aſſertion or Argument of his, by alledging of a Judgment, that no Defamation at all might be proſecuted there, ſince there

(*a*) *M.* 2 *H.* 4. *fol.* 15.

(*b*) *H.* 14 *Ed.* 3.

there is not the like Reaſon; and therefore as the *læſio fidei* aroſe upon a Temporal Cauſe, ſo did the Defamation there mentioned; for which a Prohibition lay without a Conſultation.

That Defamatory Words touching a Temporal Cauſe may not be ſued in the Eccleſiaſtical Court, we have alſo a Prohibition in the *Regiſter* (*a*), without any Conſultation granted. For whereas one gave Evidence in an Inquiſition made by the King about his Exchange at *York*; and the Party being affected therewith, ſued the Witneſs (for defaming him) in the Eccleſiaſtical Court; and hereupon the Witneſs brought a Prohibition, becauſe the Matter was a Temporal Cauſe. And it is likewiſe enacted by a Statute of the Realm (*b*), That a Prohibition ſhall lie, if a Man be ſued in the Eccleſiaſtical Court, for Defamation, becauſe he has indicted another. There is alſo another Reaſon why ſome Defamation may not be ſued in an Eccleſiaſtical Court, *viz.* when an Action lies at the Common Law for it: As where a Man brings an Action of Treſpaſs for Goods taken away (*c*), and the Defendant hereupon ſues him in the Eccleſiaſtical Court for Defemation; here the Plaintiff may pray a Prohibition, becauſe the Plea in Court Chriſtian was commenced whilſt the Suit is pending at Common Law, and a Prohibition lies. So if I am robbed, and do ſpeak of him that robbed me before others, whereupon he ſues me in the Spiritual Court for Defamation, I may have a Prohibition, becauſe I may have an Appeal of Robbery at

(*a*) *Fol.* 42. *b.*

(*b*) *Edw.* 3. *Stat. cap.* 11.

(*c*) *P.* 18 *E.* 4. *fol.* 6.

the Common Law. And thus in the Book of Entries (*a*) we have ſeveral Precedents of Prohibitions granted in Favour of ſuch as are proſecuted in the Eccleſiaſtical Court for Defamation, when they have ſued Men in the Temporal Courts for forging of Evidences.

(*a*) Tit. *Prohibition.*

One libelled againſt another in the Eccleſiaſtical Court, for ſaying that he was a Drunkard, or a drunken Fellow, *&c.* and by the Opinion of the whole Court a Prohibition was granted for ſuch Words (*b*). So if a Man be called Thief, Traitor, or the like, whereon no Suit lies for the Principal in the Eccleſiaſtical Court, but at the Common Law, and the Slanderer be ſued for the ſame in the Eccleſiaſtical Court, a Prohibition lies. But if a Man calls a Woman Bawd, for which a Suit lies in the Spiritual Court, and alſo at the Common Law; there if the Suit be for Slander or Defamation in the Eccleſiaſtical Court, no Prohibition lies, becauſe the Party has a Liberty to ſue in which Court ſhe pleaſes. Again, if a Woman be defamed in her Reputation, whereby ſhe is hindred in her Marriage (*c*), ſhe may either ſue at the Common Law for Damage (*d*), or in the Spiritual Court for Recantation, provided the Defamation be of a Spiritual Nature. *Cro. Rep. Part* 3. Thus if a Man calls a Woman Whore, or defames her in like Manner, for which a Suit lies againſt the Party in the Spiritual Court, no Prohibition lies in the Caſe, becauſe the Suit there is for Defamation of a Spiritual Kind. But it is laſtly to be obſerved, that if a Man ſpeaks any

(*b*) *Cuckow's* Caſe, *Jones's Rep.*

(*c*) *Cro. Rep. Part* 3.

(*d*) *Poph. Rep.*

any Words, for which no Suit lies at the Common Law, and the Words are not ſuch as concern any Thing whereof the Eccleſiaſtical Court takes Cognizance, I ſay, that it ſeems in ſuch a Caſe, if the Suit be in the Spiritual Court for Slander, as for reproachful Words, and the like, a Prohibition lies; as for calling a Man a Knave, Rogue, and the like, or Woman, Quean, Jade (*a*), and the like, thro' the Uncertainty thereof (*b*). But it has been reſolved at the Common Law, that a Conſultation ſhould be awarded on a Prohibition brought in a Caſe, where a Woman was called a *Welch* Jade; becauſe in the Spiritual Court a Jade is known and taken for a Whore; and the Common Law will give Credit unto the Spiritual Court, eſpecially after two Sentences in that Court (*c*).

(*a*) *Jones's Rep.*
(*b*) *Latch's Rep. Winch's Rep.*
(*c*) *Cro. Rep. Part* 3.

By the Civil Law, the Perſon defamed had his Election in all Cauſes, whether he would proſecute the Defamer *ad Publicam Vindictam*, or *ad Privatum Intereſſe*; the former whereof was made Choice of when the Defamed aimed more at the Defamer's Shame than his own Intereſt, and choſe rather to reduce him to a Recantation, than augment his own Caſh by the Diminution of his own Credit. The other way of proceeding, *viz. ad Privatum Intereſſe*, was choſen by ſuch defamed Perſons, as valued their Credit at a certain Rate, and choſe rather a pecuniary Compenſation than an unprofitable Recantation, aiming more at their own private Satisfaction than the Defamer's publick Diſgrace (*d*). But both of theſe the defamed Perſon could not

(*d*) *D.* 42. 1. 13.

have; for having determined his Election, he was to content himſelf therewith; but having obtained a Sentence againſt the Defamer for his Recantation in a Suit *ad Publicam Vindictam*, he might poſſibly have, in Lieu thereof, a pecuniary Recompence by way of Commutation. The Proſecution *ad Vindictam Publicam* was left to the Determination of the Eccleſiaſtical Juriſdiction, and the other to the Cognizance of the Temporal: Much in Conformity to what the Laws of this Realm ſeem to ſay, *viz.* where the Proſecution is meerly for puniſhing Sin and ill Manners, and no Money demanded, there the Spiritual Court ſhall take Cognizance of Defamation; but when Money is demanded in Satisfaction of the Wrong, there the Temporal Court ſhall have Juriſdiction, eſpecially if the Defamer undertakes to juſtify the Matter, or the Words do expreſs or imply a Crime belonging to the Cognizance of the Common Law. Theſe Actions of Defamation are of an higher Nature, than *Primo intuitu* they ſeem to be; a Man's good Name being equivalent to his Life; the Civil Law therefore ſtyles them *Actiones præjudiciales*, that is to ſay, ſuch as draw leſſer Cauſes to them, but themſelves are drawn of none.

The Method of proceeding in a Cauſe of Defamation, when the Perſon defamed ſues for defamatory Words contained in a famous Libel, is as follows, *viz.* In this Caſe not only the general and uſual Article is to be inſerted in the Libel, which is common in a Cauſe of Defamation, *viz.* that the Defendant on ſuch a Day, and in ſuch

a Place, uttered ſuch Words, *viz.* the Words contained in ſuch famous Libel, *&c.* But alſo another ſpecial and particular Article, *viz.* that the Defendant did on ſuch a Day, and in ſuch a Place, write and publiſh, or procured to be written and publiſhed, a certain infamous Libel to theſe Preſents annexed. If the Plaintiff has the ſaid Libel in his Poſſeſſion, if not an Article containing the Words following, or other Words in Effect like unto them; and in this Place the defamatory Words ought to be inſerted which are contained in ſuch famous Libel: Or if a Perſon has a true Copy of ſuch famous Libel, then this Copy is to be annexed to the Libel given and exhibited in this Cauſe of Defamation, theſe Words being added, *viz. Tenoris Schedulæ præſentibus annexæ, quam pro hic lect' & inſert' haberi petit, &c.* And if the Plaintiff prove his Intention, ſuch as defame Perſons after this Manner ſhall be puniſhed in a more grievous Way, than ſuch as defame only Perſons by Words.

Letters of Requeſt from an inferior to a ſuperior Judge, citing a Perſon to appear in a Cauſe of Defamation.

TO the Right Worſhipful *H. H.* Doctor of Laws, (*here inſert the Titles of the Judge,*) of the ——— Court of ——— Whereas *C. D.* of the Pariſh of ——— in the County of ——— and Dioceſe of ——— Spinſter, is deſirous to libel againſt *A. B.* of the Pariſh, County and Dioceſe aforeſaid,

ſaid, for certain ſcandalous and defamatory Words ſpoken by him the ſaid *A. B.* againſt her the ſaid *C. D.* And whereas one of the Witneſſes then preſent who heard the ſaid Words, and whoſe Evidence is abſolutely neceſſary, now reſides in ——— therefore cannot be examined in this Cauſe by Virtue of any Commiſſion iſſuing out of the ſaid Court of ——— without great Expence and Trouble in the obtaining Letters of Requiſition from the Ordinary of the Dioceſe of ——— for the Examination of the ſaid Witneſs. And whereas there are not any Advocates Reſident in the Dioceſe of ——— and ſome Matters of Difficulty may ariſe, wherein the Parties on both Sides may require the Advice of Counſel learned in the Law; now I *J. J.* Doctor of Laws, Chancellor of the ſaid Dioceſe of ——— do hereby requeſt you to call before you the ſaid *A. B.* to anſwer to the ſaid *C. D.* in a Cauſe of Defamation or Slander, and to hear and determine the ſaid Cauſe or Buſineſs as to Law and Juſtice ſhall appertain. *Witneſs* my Hand and Seal the ——— Day of ——— in the Year of our Lord ———

A Citation in a Cauſe of Defamation.

E. By Divine Permiſſion, Lord Biſhop of ——— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of ——— Greeting: We do hereby impower and ſtrictly injoin and command you jointly

jointly and ſeverally peremptorily to cite, or cauſe to be cited, *A. B.* of the Pariſh of ——— in the County of —— and Dioceſe of ——— to appear before the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Titles of the Judge*) of the —— Court of — lawfully conſtituted, his Surrogate, or ſome other competent Judge in this Behalf, in (*here inſert the Place of Appearance*) and Place of Judicature there, on the third Day after he ſhall be perſonally ſerved with this Citation, if it be a Court-Day, otherwiſe the Court-Day then next immediately following, at the uſual Hours of hearing Cauſes and doing Juſtice there, then and there to anſwer to *C. D.* of the ſame Pariſh, Spinſter, in a certain Cauſe of Defamation or Slander; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *C. D.* And whatever you ſhall do, or cauſe to be done in the Premiſſes, you ſhall duely certify our (*here inſert the Title of the Judge*) aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the ——— Day of —— in the Year of our Lord ——

A Citation by Ways and Means in the ſame Cauſe.

E. By Divine Permiſſion, Lord Biſhop of ——— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Judge's Titles*) of our —— Court of —— lawfully appointed, rightly and duely proceeding at the Petition of the Proctor of *C. D.* of the Pariſh of —— in the County of —— and Dioceſe of ——— Spinſter, alledging, that *A. B.* of the Pariſh, County and Dioceſe aforeſaid, had been ſeveral Times diligently ſought for by the Mandatory in this Behalf lawfully authorized and appointed, with a Deſign and Intent of citing him perſonally, to the Purpoſes hereafter mentioned, but that he had abſconded, or ſo concealed himſelf, that he could not by any Means be perſonally cited by our ſaid Mandatory, hath therefore decreed the ſaid *A. B.* to be cited and called into Judgment, to appear on the Day, and at the Time and Place, and for the Purpoſes mentioned, and in the Manner and Form herein after deſcribed, (Juſtice ſo requiring;) We do therefore authorize, impower, and ſtrictly injoin you jointly and ſeverally peremptorily to cite, or cauſe to be cited, the ſaid *A. B.* perſonally, if he can ſo be cited, and ye can have ſafe and free Acceſs to him, ſo to do; otherwiſe by affixing this Citation

Citation for ſome Time upon the outward Door of the Houſe or laſt uſual Place of Abode of the ſaid *A. B.* and afterwards by affixing and leaving there a true Copy of theſe Preſents, and alſo by all other lawful Ways and Means, and Methods whatſoever, whereby you can or may better or more effectually, ſo that this Citation may moſt likely come to the Knowledge of him ſo to be cited, to appear before our Vicar General aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, in (*here mention the Place of Appearance*) and Place of Judicature there, on —— the —— Day of —— next enſuing, between the Hours of Nine and Twelve in the Forenoon of the ſame Day, then and there to anſwer to the ſaid *C. D.* in a certain Cauſe of Defamation or Slander, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, *&c.* [*See the Concluſion in the laſt Precedent.*]

A Warrant for a Proctor to appear for the Plaintiff in the ſame Cauſe.

To Mr. *R. W.* Proctor General of the —— Court of —— or any other Proctor of ——

WHereas a Cauſe hath lately been commenced at my Suit againſt *A. B.* of the Pariſh of —— in the County of —— in the —— Court, in a certain Cauſe of Defamation; This is therefore to deſire you to

to appear for me in the ſaid Cauſe, to proſecute the ſame for me as far as poſſible; and this ſhall be your ſufficient Authority. *Witneſs* my Hand this —— Day of ——

Witneſs *E. F.* *C. D.*

A Warrant to appear for the Defendant to give a Negative Iſſue in the ſame Cauſe.

To Mr. *R. C.* Proctor of ——

SIR,

I Do hereby deſire you will appear for me to a Citation iſſued out againſt me in the —— Court, in a Cauſe of Defamation at the Suit of *C. D.* and for me to give a Negative Iſſue; and this ſhall be your ſufficient Authority. *Witneſs* my Hand this —— Day of ——

Witneſs *F. G.* *A. B.*

An Act of Court on returning a Proceſs, and giving a Libel in the ſame Cauſe.

—— Day of —— in the Year ——

C. D. of the Pariſh of —— in the County of ——— againſt *A. B.* of the ſame Pariſh in the County aforeſaid, in a certain Cauſe of Defamation or Slander.

W. *C.*

UPON which Day *W.* exhibited his Proxy for the ſaid *C. D.* and made himſelf a Party for her, and returned a Proceſs againſt the ſaid *A. B.* duely certified; then the ſaid *A. B.* being three Times called, *C.* exhibited his Proxy for him, and made himſelf a Party for him, then the ſaid *W.* gave a Libel in Writing, which he pray'd to be admitted, and *C.*'s Anſwer thereto immediately, *C.* alledging the ſaid Libel not to be admiſſible, and praying the ſame to be rejected. But the Judge, at *W.*'s Petition, admitted the ſaid Libel, and order'd *C.* to anſwer thereto immediately, upon which *C.* confeſſed the Contents of the ſaid Libel, and gave an Affirmative Iſſue thereto; whereupon the Judge order'd *C.*'s Client to do Penance in the Veſtry of the Pariſh Church of —— aforeſaid, on *Sunday* the —— Day of —— and condemned the ſaid *A. B.* in Coſts of —— to be paid before extracting of the Schedule of Penance, and aſſigned

aſſigned to certify the Performance of the ſaid Penance upon or before the laſt Seſſion of this Term.

A Libel in the ſame Cauſe.

IN the Name of God, *Amen:* Before you the Worſhipful *H. H.* Doctor of Laws, (*here name the Title of the Judge*) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of ——— and Official Principal of his ——— Court lawfully appointed your Surrogate, or ſome other competent Judge in this Behalf: The Proctor of *C. D.* of the Pariſh of ——— in the County of ——— and Dioceſe of —— Spinſter, againſt *A. B.* of the Pariſh of ——— in the County and Dioceſe aforeſaid, and againſt any other Perſon or Perſons lawfully intervening or appearing in Judgment for him by way of Complaint, and hereby complaining unto you in this Behalf, (*a*) doth ſay, alledge, and in Law propound, articulately as follows, (that is to ſay,)

(*a*) If by Reconvention, inſert theſe Words by way of Reconvention.

1. That every Perſon and Perſons, who utter, publiſh, aſſert or report, or ſhall have uttered, publiſhed, aſſerted or reported reproachful, ſcandalous or defamatory Words, to the Reproach, Hurt and Diminution of the good Name, Fame and Reputation of another Perſon, contrary to good Manners and the Rule of Charity, are and ought to be moniſhed, conſtrained and compelled to the Reclaiming and Retracting ſuch reproachful, ſcandalous and defamatory

Words, and to the Reſtoring of the good Name, Fame and Reputation of the Perſon thereby injured; and that for the future they refrain from uttering, publiſhing or declaring any ſuch reproachful, ſcandalous or defamatory Words, and are to be canonically corrected and puniſhed; and this was and is true, publick and notorious.

2. That notwithſtanding the Premiſſes mentioned in the next foregoing Article, the ſaid *A. B.* did in the Months of —— —— and —— in the Year of our Lord —— or in ſome one or more of thoſe Months within the Pariſh of —— aforeſaid, or in ſome other Pariſh, Pariſhes or publick Places in the Neighbourhood thereof, or near thereunto, in an angry, reproachful and invidious Manner, ſeveral Times, at leaſt once, before ſundry credible Witneſſes defame the ſaid *C. D.* who was and is a Perſon of good Reputation and Character; and charged the ſaid *C. D.* to have committed the Crime of Adultery, Fornication or Incontinency, and ſpeaking to, or of, and meaning and intending the ſaid *C. D.* the Party Agent in this Cauſe, affirmed and publiſhed ſeveral Times, at leaſt once, theſe or the like Words, to wit, you, thou, or ſhe, meaning and intending the ſaid *C. D.* are, art, was or is a Whore; and the Party Proponent doth alledge and propound every Thing in this Article contained jointly and ſeverally.

3. That the ſaid *A. B.* hath oftentimes, at leaſt once ſince the Affirming and Uttering the defamatory Words mentioned in the next foregoing Article, owned and con-

 feſſed

feſſed that he ſpoke the ſaid defamatory Words, as in the next preceding Article is ſet forth; and the Party Proponent doth alledge and propound as before.

4. That by Reaſon of the ſpeaking of the ſaid defamatory Words, the good Name, Fame and Reputation of the ſaid *C. D.* is very much hurt, injured and aggrieved amongſt her Neighbours, Acquaintance and others; and this was and is true, publick and notorious; and the Party Proponent doth alledge and propound as before.

5. That the ſaid *A. B* was and is of the Pariſh of —— in the ſaid County of —— and Dioceſe of —— and therefore ſubject to the Juriſdiction of this Court; and the Party Proponent doth alledge and propound as before.

6. That the ſaid *C. D.* the Party Agent in this Cauſe, hath rightly and duly complained of the Premiſſes to you the (*here inſert the Judge's Title*) aforeſaid, and to this Court; and the Party Proponent doth alledge and propound as before.

7. That all and ſingular the Premiſſes aforeſaid were and are true, publick and notorious; and thereof there was and is a publick Voice, Fame and Report, of which legal Proof being made, the Party Proponent prays Right and Juſtice to be adminiſtred to her and her Party in the Premiſſes, and that the ſaid *A. B.* for his Exceſs in the Premiſſes, be duly forced and compelled to retract and reclaim the defamatory Words aforeſaid; and that for the future he refrain from uttering ſuch defamatory Words as aforeſaid; and that he be con-

condemned in the Coſts made, or to be made, in this Cauſe, on the Part and Behalf of the ſaid *C. D.* and compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given in this Cauſe; and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging herſelf to prove all and ſingular the Premiſſes, or to the Burthen of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to herſelf all Benefit of Law, prays, that ſo far as ſhe ſhall prove in the Premiſſes, ſo far ſhe may obtain in this her Suit, humbly imploring the Aid of your Office in this Behalf.

Interrogatories adminiſtred, and to be adminiſtred, by and on the Part and Behalf of A. B. *of the Pariſh of — in the County of —— to whatever pretended Witneſſes are, or ſhall be produced, on the Behalf of* C. D. *of the ſame Pariſh and County aforeſaid, Spinſter, follow, to wit,*

1. LET each Witneſs be asked, Are you any ways related or of kin to the Producent in this Cauſe? If yea, ſet forth in what Manner or Degree of Kindred you are ſo related; and Interrogate each Witneſs jointly and ſeverally to every Thing contained in this Interrogatory.

2. Let each Witneſs be asked, What Profeſſion, Buſineſs or Employment do you

follow? How have you got, and do now get your Livelihood, and maintain your ſelf? Where and in what Street or Streets, Place or Places, and in whoſe Houſe or Houſes, Lodging or Lodgings have you lived or lodged for theſe five Years laſt paſt, and by what Name or Names have you gone by for and during all the ſaid Time? And Interrogate each Witneſs as before.

3. Let each Witneſs be asked, In what Month, Day of the Week, and Hour of the Day, were the pretended defamatory Words Libellate, pleaded in the ſecond pretended Poſition or Article of the pretended Libel, given and admitted in this Cauſe on the Behalf of the Producent, ſpoken by the Miniſtrant? And where, and in whoſe Houſe, and in what Room or Part of the ſaid Houſe were the ſaid pretended defamatory Words, or any other, and what pretended defamatory Words ſpoken by the Miniſtrant, and who was or were preſent beſides? And Interrogate each Witneſs jointly and ſeverally, and to every Thing as above.

4. Let each Witneſs be asked, How came you to be preſent when the pretended defamatory Words Libellate as aforeſaid, or any other, and what pretended defamatory Words were ſpoken by the Miniſtrant? Was there any, and what Quarrel aroſe between the Producent and Miniſtrant in this Cauſe? If yea, ſet forth the Particulars thereof to the beſt of your Knowledge, Remembrance and Belief, and conſider you

are

are upon your Oath; and Interrogate as before.

5. Let each Witneſs be asked, Have you at any Time, and when and where, heard the Miniſtrant in this Cauſe own and confeſs that he ſpoke the ſaid pretended defamatory Words Libellate as aforeſaid, alledged and propounded in the third pretended Poſition or Article of the ſaid pretended Libel? Who was, or were preſent beſides yourſelf, to hear ſuch pretended Confeſſion or Declaration made by the Miniſtrant? Declare the Truth, and conſider you are upon your Oath; and Interrogate as before.

6. Let each Witneſs be interrogated, Have you heard, and from whom, at any Time, and when and where, and do you in your Conſcience verily believe, that the good Name, Fame and Reputation of the Producent is any ways hurt, injured and aggrieved among her Neighbour's Acquaintance and others, by Reaſon of any ſuch pretended defamatory Words Libellate, ſpoken by the Miniſtrant, as pretended, and pleaded in the fourth pretended Poſition or Article of the ſaid pretended Libel? and Interrogate as before.

7. Let each Witneſs be asked, Have you any particular Friendſhip, Intimacy, Correſpondence or Acquaintance, and for how long, with the Producent in this Cauſe? Have you not heard, and do you not in your Conſcience verily believe the ſaid Producent to be a troubleſome, quarrelſome and litigious Woman, and commonly accounted, reputed and taken ſo to be in the

Neighbourhood where ſhe lives? And have you not heard that the Producent has brought ſeveral pretended Actions of Defamation in this Court againſt ſundry Perſons, and againſt whom by Name in particular? Whether the Producent is not commonly accounted and reputed to be a Perſon of very baſe Principles? Set forth the Truth, and conſider you are upon your Oath; and Interrogate as before.

8. Let each Witneſs be asked, Have you received, been promiſed, or do expect to receive any, and what Fee, Gratuity, Reward or Conſideration whatever, from the Producent, or her Agent or Agents, or from any other Perſon or Perſons for her, or upon her Account, in giving your Evidence in this Cauſe on the Behalf of the Producent? Are you any ways indebted to the Producent in any, and what Sum or Sums of Money, or upon any other and what Account ſoever? If yea, ſet forth the ſame, and what Securities are given for ſuch Sum and Sums of Money reſpectively. And whether do you not expect, or have been promiſed, to be releaſed or diſcharged from the ſame? Or whether are you not actually releaſed or diſcharged by the Producent from the ſame, for giving your Evidence in her Behalf? Have you, or any of your Friends or Relations upon your Account, any Intereſt, Dependance or Advantage, and what, upon the Event of this Suit, in Caſe the ſame is given in Favour of the Producent by being examined as Witneſſes on her Behalf? If yea, ſet forth the

ſame,

ſame, and conſider you are upon your Oath; and Interrogate as before.

9. Let every Witneſs declare the Reaſons of their Knowledge and Belief of and concerning every Matter and Thing they have depoſed in this Cauſe.

An Affidavit in the ſame Cauſe concerning a Witneſs being abroad.

—— Day of —— *&c.*

D. againſt *B.*

WHICH Day appeared perſonally *C. D.* Spinſter, Party in this Cauſe, and by Virtue of her corporal Oath depoſed, that *M. O.* who is a material Witneſs to prove the Contents of the Libel given in and admitted on her Behalf in this Cauſe, in the beginning of the Month of— laſt, and more particularly before the —— Day of—— being the Day on which the ſaid Libel was admitted, proceeded on Board the —— one of his Majeſty's Ships now ſtationed in —— to which Ship he belongs; and the Deponent ſaith, that ſhe verily believes the ſaid *M. O.* is now on Board the ſaid Ship the—— and that the ſaid Ship is expected to return to *England* about the Month of——— next, and not before.

C. D. was ſworn before Doctor *J. L.* on the— Day of—*R. B.* Notary Publick, being preſent.

C. D.

A Compulſory againſt Witneſſes in the ſame Cauſe.

E. By Divine Permiſſion, Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of our —— Court of —— lawfully appointed, rightly and duely proceeding in a certain Cauſe of Defamation or Slander now depending before him in Judgment between *C. D.* the Party Agent and Complainant of the one Part, and *A. B.* the Party accuſed and complained of, on the other Part, at the Petition of the Proctor of the ſaid *C. D.* alledging, that *E. F.* and *G. H.* were and are Witneſſes very neceſſary to prove the Contents of a certain Libel given in and admitted in the ſaid Cauſe, on the Part and Behalf of the ſaid *C. D.* who having been offered their neceſſary Expences, have and do ſtill refuſe to come and attend to give their Teſtimony of the Truth of what they know in the aboveſaid Cauſe, unleſs by Law compelled thereto, hath therefore decreed the ſaid *E. F.* and *G. H.* to be cited to appear in the Manner and to the Effect here under-written (Juſtice ſo requiring;) We do therefore hereby authorize, impower, and ſtrictly injoin and command you jointly and ſeverally peremptorily to cite, or cauſe to be cited, the aforeſaid

E. F.

E. F. and *G. H.* that they, and each of them, appear perſonally before (*a*) our (*here inſert the Judge's Title*) aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, in (*here mention the Place of Appearance*) and Place of Judicature there, upon —— the —— Day of —— in the Year of our Lord ——— between the Hours of —— and ——— in the —— noon of the ſame Day, then and there to take the Oath by Witneſſes uſually taken, and to teſtify the Truth of what they know in this Behalf, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof. And whatſoever you ſhall do, or cauſe to be done in the Premiſſes, you ſhall duely certify our (*here inſert the Judge's Title*) aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the ——— Day of —— in the Year of our Lord ———

(*a*) If upon a Commiſſion for Examination of Witneſſes, as follows, (to wit,) Our beloved *H. P. H. L.* and alſo *R. R.* and *J. W.* Commiſſioners, named by our ſaid Commiſſary to adminiſter the Oath to the Witneſſes, and alſo to examine whatever Witneſſes are or ſhall be produced by and on the Part and Behalf of the ſaid *C. D.* in the Pariſh Church of —— in the County of —— on the —— Days of —— in the Year of our Lord —— or at any other Time and Place to be appointed by the ſaid Commiſſioners jointly and ſeverally.

A Compulſory againſt Witneſſes by Letters of Requeſt in the ſame Cauſe.

J. By Divine Permiſſion, Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas we have lately received Letters of Requeſt from the Right Reverend

verend Father in God *E.* by Divine Permiſſion, Lord Biſhop of —— of the Tenour and in the Words following, that is to ſay, *E.* by Divine Permiſſion, Biſhop of ——— To the Right Reverend Father in God *J.* by the ſame Permiſſion, Lord Biſhop of——— or to his Vicar General, or any other competent Judge in this Behalf, Greeting, in our Lord God Everlaſting: Whereas it hath been alledged before the Worſhipful *H. H.* Doctor of Laws, our (*here inſert the Judge's Titles*) of our —— Court of —— in a certain Cauſe of Defamation or Slander, depending before him in Judgment, between *C. D.* the Party Agent and Complainant on the one Part, and *A. B.* the Party accuſed and complained of on the other Part, on the Behalf of the ſaid *C. D.* That *E. F. G. H.* and *J. K.* are Witneſſes very neceſſary to prove the Contents of the Libel given in, exhibited and admitted in the ſaid Cauſe, on the Part and Behalf of the ſaid *C. D.* who having been offered their neceſſary Expences, have and do ſtill refuſe to attend and give their Teſtimony in the ſaid Cauſe, unleſs by Law compelled thereto; and that the ſaid *E. F. G. H.* and *J. K.* do now dwell and inhabit within your Dioceſe of —— our ſaid Vicar General did at the Petition of the Proctor of the ſaid *C. D.* decree the ſaid *E. F. G. H.* and *J. K.* to be cited, compelled and called to Juſtice at the Day, Time and Place, and for the Purpoſes, and in the Manner and Form here under-written, (Juſtice ſo requiring:) And whereas the ſaid *E. F. G. H.* and *J. K.* by reaſon of their

their dwelling and inhabiting within your ſaid Dioceſe of —— cannot in due Courſe of Law be cited or compelled by our Authority to appear before our ſaid ——— in our ſaid —— Court of —— We do therefore, in Aid of Juſtice, requeſt that you will by your Authority cauſe the ſaid *E. F. G. H.* and *J. K.* to be peremptorily cited perſonally to appear before our ſaid —— in our ſaid —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon the —— Day of —— next enſuing, between the Hours of —— and ——— in the ——noon of the ſame Day, then and there to take the Oath by Witneſſes uſually taken, and to teſtify the Truth of what they know in this Behalf; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and that you would be pleaſed to certify our ſaid —— his Surrogate, or ſome other competent Judge in this Behalf, what ye ſhall do, or cauſe to be done, in the Premiſſes, and we on our Part, on the like Occaſion, ſhall be always ready to return you the like Favour. *Dated* at —— this —— Day of —— in the Year of our Lord ——— And whereas the Worſhipful *H. H.* Doctor of Laws, our Commiſſary for the Parts of —— lawfully appointed, hath (the ſaid Letters of Requeſt being firſt preſented to him) at the Petition of the Proctor of the ſaid *C. D.* in Aid of Juſtice, and purſuant to the ſaid Requeſt, decreed the ſaid *E. F. G. H.* and *J. K.* to be cited, com-

compelled and called to Juſtice at the Day, Time and Place, and to the Effect, and in Manner and Form here under-written, according to the Tenour of the aforeſaid Letters of Requeſt, (Juſtice ſo requiring;) We do therefore authorize, and ſtrictly injoin you jointly and ſeverally, that you do peremptorily cite, or cauſe to be cited, the aforeſaid *E. F. G. H.* and *J. K.* that they, and each of them, appear perſonally before the ſaid Worſhipful *H. H.* Doctor of Laws, (*here inſert the Titles of the Judge*) of the ——— Court of the Right Reverend Father in God *E.* by Divine Permiſſion, Lord Biſhop of ——— his Surrogate, or ſome other competent Judge in this Behalf, (*here ſpecify the Place of Appearance*) and Place of Judicature there, on (*here ſpecify the Return*) next enſuing, between the Hours of —— and ——— in the —— noon of the ſame Day, then and there to take the Oath by Witneſſes uſually taken, and to teſtify the Truth of what they know in the ſaid Cauſe, and further to do and receive what to Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and that you certify what you ſhall do in the Premiſſes to the aforeſaid *H. H.* Doctor of Laws, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated*, &c.

A Sentence in the ſame Cauſe.

IN the Name of God, *Amen*: We *H. H.* Doctor of Laws (*here inſert the Titles of the Judge*) of the Right Reverend Father in God *E.* by Divine Permiſſion, Lord Biſhop of ——— and of the ——— Court of —— lawfully appointed, rightly and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances in a certain Cauſe of Defamation or Slander, which is controverted, and remains undetermined before us in Judgment, between *C. D.* of the Pariſh of ——— in the County of —— and Dioceſe of —— Spinſter; the Party Agent and Complainant on the one Part, and *A. B.* of the ſame Pariſh in the County and Dioceſe aforeſaid, the Party accuſed and complained of, on the other Part; and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *C. D.* praying Sentence to be given, and Juſtice to be done to his Party; and the Proctor of the ſaid *A. B.* alſo earneſtly praying ——— to be done to his Party; and having firſt carefully and diligently ſearched into and conſidered of the whole Proceedings had and done before us in this Cauſe; and having obſerved all and ſingular the Matters and Things that by Law in this Behalf ought to be obſerved, we have thought fit, and do thus think fit, to proceed to the giving our definitive Sentence or final Decree in this Cauſe, in Manner

ner and Form following, (to wit,) Forasmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confessed in this Cause, we have found, and it doth evidently appear unto us, that the Proctor for the said *C. D.* hath fully and sufficiently founded and proved his Intention, deduced in a certain Libel, and other Pleadings and Exhibits, given in, exhibited and admitted on her Behalf, and now remaining in the Registry of this Court (which Libel, other Pleadings and Exhibits, we take, and will have taken, as if here read and inserted) for us to pronounce as herein after is pronounced; and that nothing, at least nothing effectual, hath on the Part and Behalf of the said *A. B.* been excepted, deduced, exhibited, propounded, proved or confessed in this Cause, which may or ought in any wise Defeat, Prejudice or Weaken the Intention of the said *C. D.* Therefore we *H. H.* Doctor of Laws, the Judge aforesaid, having first called upon the Name of Christ, and having God alone before our Eyes, and having heard Counsel thereupon, do pronounce, decree and declare, that the said *A. B.* did in the Year, Months and Place in the said Libel mentioned, or some or one of them, contrary to good Manners and the Bond of Charity, publickly and maliciously in an angry, reproachful and invidious Manner, defame the said *C. D.* and maliciously say, publish and report several scandalous, reproachful and defamatory Words in the said Libel mentioned, tending to the Infamy, Hurt and Diminution of the Estate, good

Name, Fame and Reputation of the ſaid *C. D.* wherefore we do pronounce, decree and declare, that the ſaid *A. B.* ought to be duely and canonically corrected and puniſhed according to the Law, in that Behalf provided, for his ſo great Exceſs and Raſhneſs in the Premiſſes, and to be forced and compelled to reclaim ſuch defamatory Words, and to the Reſtitution of the good Name, Fame and Reputation of the ſaid *C. D.* and deſiſt from ſuch defamatory Words for the future. And we do alſo pronounce, decree and declare the ſaid *A. B.* to be injoined and compelled to perform a ſalutary and ſuitable Penance, according to his Demerits, for his Exceſs aforeſaid; and we do alſo pronounce, decree and declare, that the ſaid *A. B.* ought to be, and we do condemn him in lawful Coſts.

A Monition to perform a Penance in the ſame Cauſe.

E. By Divine Permiſſion, Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Titles of the Judge*) of the —— Court of —— lawfully appointed, rightly and duely proceeding in a certain Cauſe of Defamation or Slander, lately depending before him in Judgment, between *C. D.* of the Pariſh of —— in the County of —— and Dioceſe aforeſaid, Spinſter; the Party Agent and Com-

Complainant of the one Part, and *A. B.* of the Pariſh aforeſaid, the Party accuſed and complained of, on the other Part, hath read and promulged a certain definitive Sentence in Writing, on the Part and Behalf of the ſaid *C. D.* and againſt the ſaid *A. B.* by which Sentence (among other Things) he hath declared and pronounced that the ſaid *A. B.* hath maliciouſly ſpoken and uttered certain opprobrious and defamatory Words mentioned in the Libel, given in and admitted in the ſaid Cauſe, to the Reproach of the ſaid *C. D.* and Diminution of her good Name, Fame and Reputation, and hath injoined him the ſaid *A. B.* a ſalutary and ſuitable Penance for ſuch his Exceſs in the Premiſſes, as the Law requires; and hath, at the Petition of the Proctor of the ſaid *C. D.* (*a*) decreed the ſaid *A. B.* to be cited and moniſhed, to extract, or cauſe to be extracted, a Schedule of the Penance in this Behalf injoined, and to perform the ſame according to the Form of the ſaid Schedule, at the Time and Place as ſhall be therein ſpecified, (Juſtice ſo requiring;) We therefore authorize, and ſtrictly injoin and command you jointly and ſeverally peremptorily to moniſh, or cauſe to be moniſhed, the aforeſaid *A. B.* to extract, or cauſe to be extracted, out of the Regiſtry of our ſaid —— Court, a Schedule of the Penance injoined as aforeſaid, and really and truly to perform the ſame, according to the Tenour and Purport thereof, on *Sunday* the —— Day of —— Inſtant, in the Veſtry of the Pariſh Church of —— aforeſaid, immediately after Morning Prayers

(*a*) If by Ways and Means, ſee the Precedent next immediately following, beginning at Line 17. Page 34. after *C. D.* and ending at Line 21. Page 35. at *ſo to be cited and moniſhed.*

ers and Sermon are ended in the ſaid Church, and to certify the due Performance thereof to our ſaid —— his Surrogate, or ſome other competent Judge in this Behalf, on or before the —— Seſſion of next Term, to wit, —— Day of —— next enſuing, otherwiſe to appear perſonally before our ſaid ——— his Surrogate, or ſome other competent Judge in this Behalf, in the (*ſpecify the Place of Appearance*) and Place of Judicature there, upon the firſt Seſſion of ——— Term next, at the uſual Hours of hearing Cauſes and doing Juſtice there, then and there to ſee and hear himſelf excommunicated for not extracting, or cauſing the ſaid Schedule of Penance to be extracted, out of the ſaid Regiſtry, and for not performing the ſame according to the Tenour and Purport thereof, at the Time and Place in the ſaid Schedule to be ſpecified, and for not certifying of the due Performance thereof; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and what you ſhall do, or cauſe to be done in the Premiſſes, you ſhall duely certify our ——— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ——

A Monition by Ways and Means to pay Coſts of Suit in the ſame Cauſe.

E. By Divine Permiſſion, Biſhop of——. To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Titles of the Judge*) of our —— Court of —— lawfully appointed in a certain Cauſe of Defamation or Slander lately depending before him in Judgment between *C. D.* of the Pariſh of —— in the County of —— and Dioceſe of —— Spinſter, the Party Agent and Complainant of the one Part, and *A. B.* of the ſame Pariſh, the Party accuſed and complained of, on the other Part, hath at the Petition of the Proctor of the ſaid *C. D.* alledging, that *A. B.* aforeſaid had been ſeveral Times diligently ſought for by the Mandatory in this Behalf ſufficiently and lawfully authorized and appointed, with an Intent of ſerving him perſonally with a Monition for the Purpoſes hereafter mentioned, but that he ſo abſconded and concealed himſelf, that he could not by any Means be perſonally ſerved by our ſaid Mandatory, hath therefore decreed, that the ſaid *A. B.* ſhould be cited and moniſhed to pay, or cauſe to be paid, the ſaid Coſts, as before taxed to the ſaid *C. D.* or her Proctor, for her Uſe, in Manner and Form as here under mentioned, (Juſtice ſo requiring;)

We

We do therefore authorize, and ſtrictly injoin you jointly and ſeverally, that you do peremptorily cite and moniſh, or cauſe to be cited and moniſhed, the ſaid *A. B.* perſonally, if he can be ſo cited, and you can have ſafe and free Acceſs to him, ſo to do; otherwiſe by publickly affixing this our Monition for ſome Time on the outward Doors of his Dwelling-houſe or laſt uſual Place of Abode in the Pariſh of —— in the County of —— and wherein he now doth or did lately dwell, or on the outward Doors of the Pariſh Church of the ſaid Pariſh, upon the *Sunday* or Feſtival Day next and immediately following your Receipt hereof, during the Time of Divine Service, and leaving there affixed a true Copy thereof, and by all other lawful Ways, Means and Methods whatſoever, whereby this our Monition may moſt likely come to the Knowledge of him ſo to be cited and moniſhed, to pay, or cauſe to be paid, really and effectually to the ſaid *C. D.* or her Proctor for her Uſe, the Sum of —— for the Coſts taxed, and 14 *s.* 10 *d.* for the Coſts of this Monition, within twenty Days after the due Execution of the ſame, under Pain of the Law, and Contempt thereof; and what you ſhall do, or cauſe to be done in the Premiſſes, you ſhall duly certify our —— or his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ——

N. B. If *A. B.* the Defendant in this Cauſe, had not appeared to the Pro-

ceſs or Citation by Ways and Means before mentioned, the Proceedings would have run thus:

An Act of Court for an Excommunication upon Non-appearance to a Proceſs in the ſame Cauſe.

— Seſſ. of — Term, to wit,— Day of— &c.

The Certificate is continued.

D. againſt *B.*

WHICH Day *A. B.* of the Pariſh of —— in the County of ——— the Party cited in this Cauſe to anſwer to *C. D.* of the ſame Pariſh, Spinſter, in a certain Cauſe of Defamation or Slander; being three Times called, and not appearing, but contumaciouſly abſenting himſelf, the Judge, in Pain of ſuch his Contumacy, at the Petition of *W.* decreed him to be excommunicated, but the ſame not to be extracted till next Court-Day, and at the further Petition of *W.* continued the Certificate of the original Citation to the ſame Time; and the Reverend *T. O.* Clerk of the Pariſh Church of —— in the County of ——— Presbyter, in this Behalf lawfully authorized by reaſon of the Premiſſes; and at the like Petition of *W.* purſuant to the above Decree, hath, by a Schedule duely read and ſigned by him, excommunicated the ſaid *A. B.* by the Sentence of the greater Excommunication.

An

An Excommunication for Non-appearance to a Proceſs in the ſame Cauſe.

J. By Divine — (*here inſert the Archbiſhop or Biſhop, to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Rectors, Vicars, Chaplains, Curates and Clerks whomſoever and whereſoever in and thro'-out our whole ——— of ——— Greeting: Whereas the Right Worſhipful *T. R.* Doctor of Laws, (*here inſert the Titles of the Judge*) of our —— Court of ——— lawfully appointed, rightly and duely proceeding in a certain Cauſe or Buſineſs of Defamation or Slander, and merely Spiritual, depending in Judgment before him or his Surrogate, between *C. D.* of the Pariſh of —— in the County of —— Spinſter, the Party promoting the ſaid Cauſe or Buſineſs on the one Part, and *A. B.* of the ſame Pariſh, the Party againſt whom the ſaid Cauſe or Buſineſs is promoted, on the other Part, did at the Petition of the Proctor of the ſaid *C. D.* the ſaid *A. B.* by reaſon of his manifeſt Contempt and Contumacy in not appearing, lawfully before him, or his Surrogate, on a certain competent Day, Time and Place appointed to him the ſaid *A. B.* and long ſince paſt, purſuant to the original Mandate or Citation iſſued out againſt him in the ſaid Cauſe of Buſineſs, and duly and perſonally ſerved on him, and having been thrice publickly called, long and ſufficiently expected, and in no wiſe lawfully appearing, but contu-

maciouſly abſenting himſelf, and ſtill perſevering ſo to do, pronounce him Contumacious, and in Pain of ſuch his Contumacy, decreed him to be excommunicated, (Juſtice ſo requiring;) And whereas the Reverend *T. O.* Clerk, the Presbyter in this Behalf, lawfully authorized by reaſon of the Premiſſes, and at the like Petition of the Proctor of the ſaid *C. D.* according to the original Mandate or Citation aforeſaid, hath in Writing excommunicated the ſaid *A. B.* We do therefore by theſe Preſents authorize, impower and ſtrictly injoin you jointly and ſeverally, that you, in ſome or one of your Pariſh Churches, on the *Sunday* or Feſtival Day next immediately following the Receipt of theſe Preſents, during the Time of Divine Service, (while the greater Part of the Congregation are preſent to hear Divine Service there,) openly and publickly denounce and declare the ſaid *A. B.* by our Authority Ordinary and Epiſcopal, to be excommunicate; and what you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify the —— of the —— Court of —— aforeſaid. *Dated*, &c.

A Schedule of an Excommunication for Non-appearance to a Proceſs in the ſame Cauſe.

IN the Name of God, *Amen*: Whereas the Right Worſhipful *T. R.* Doctor of Laws, (*here inſert the Titles of the Judge*) of

of the —— Court of ——— lawfully appointed, rightly and duely proceeding in a certain Cauſe or Buſineſs of Defamation or Slander, and merely Spiritual, depending in Judgment before him, or his Surrogate, between *C. D.* of the Pariſh of —— in the County of ——— Spinſter, the Party promoting the ſaid Cauſe or Buſineſs, of the one Part, and *A. B.* of the ſame Pariſh, the Party againſt whom the ſaid Cauſe or Buſineſs was promoted, on the other Part, did at the Petition of the Proctor of the ſaid *C. D.* the ſaid *A. B.* by reaſon of his manifeſt Contempt and Contumacy in not appearing lawfully before him, or his Surrogate, on a certain competent Day, Time and Place appointed to him the ſaid *A. B.* and long ſince paſt, purſuant to the original Mandate or Citation iſſued out againſt him in the ſaid Cauſe or Buſineſs, and duely and perſonally ſerved on him, and having been thrice publickly called, long and ſufficiently expected, and in no wiſe lawfully appearing, but contumaciouſly abſenting himſelf, and ſtill perſevering ſo to do, pronounce Contumacious, and for ſuch his Contumacy decreed him to be excommunicated, under Sentence of the greater Excommunication, (Juſtice ſo requiring;) Therefore we *T. O.* Clerk —— of the Pariſh Church of —— Presbyter, in this Behalf lawfully authorized, by reaſon of the Premiſſes, and at the like Petition of the Proctor of the ſaid *C. D.* purſuant to the above Decree, do by theſe Preſents excommunicate him the ſaid

A. B. by the Sentence of the greater Excommunication.

This Schedule of Excommunication was read the —— Day of —— by me *T. O.*

A Significavit *to the King, in order to obtain a Writ granted to take an excommunicated Perſon into Cuſtody, in the ſame Cauſe.*

TO our moſt Serene Prince in Chriſt, and Sovereign Lord *George* the Second, by the Grace of God of *Great Britain, France* and *Ireland*, King, Defender of the Faith; We *T.* by Divine —— (*here inſert the Archbiſhop or Biſhop, to whoſe Province or Dioceſe the Cauſe belongs*) with all Duty, Submiſſion and Obedience due to ſo Illuſtrious a Prince, Greeting, and wiſhing Proſperity here and hereafter, in him by whom Kings Reign, and Princes bear Rule, we do with all humble Obedience ſignify and make known to your Royal Majeſty, That the Right Worſhipful *T. R.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed in a certain Cauſe or Buſineſs of Defamation or Slander, and merely Spiritual, now depending in Judgment before him, or his Surrogate, between *C. D.* of the Pariſh of —— in the County of —— Spinſter, the Party promoting the ſaid Cauſe or Buſineſs of the one Part, and *A. B.* the Party againſt whom

whom the ſaid Cauſe or Buſineſs was promoted, on the other Part, hath at the Petition of the Proctor of the ſaid *C. D.* pronounced the ſaid *A. B.* Contumacious (by reaſon of his manifeſt Contempt and Contumacy in not appearing lawfully on a certain competent Day, Time and Place appointed to him the ſaid *A. B.* and long ſince paſt, purſuant to the original Mandate or Citation iſſued out againſt him in the ſaid Cauſe or Buſineſs, and duely and perſonally ſerved on him; and having been thrice publickly called, long and ſufficiently expected, and in no wiſe lawfully appearing, but contumaciouſly abſenting himſelf, and ſtill perſevering ſo to do) and decreed him to be excommunicated, and commanded and cauſed him to be openly and publickly denounced Excommunicate in the Face of the Church, by a Presbyter lawfully authorized in that Behalf, whilſt the greater Part of the Congregation was preſent to hear Divine Service there, and under the Sentence of Excommunication for forty Days, and more, ſince the Publiſhing thereof, through an obſtinate and incorrigible Diſpoſition ſtood, and doth now ſtand, in Contempt of your Majeſty's Authority and Juriſdiction Eccleſiaſtical, to the great Prejudice of his Soul's Health, and pernicious Example of other good Chriſtians; and whereas the Eccleſiaſtical Laws have no further Power in this Behalf, we therefore humbly ſupplicate and beſeech your Majeſty, in order to reform the Contumacy and Contempt of the ſaid *A. B.* ſo excommunicated as aforeſaid, that your Majeſty would vouchſafe to be graciouſly pleaſed,

pleaſed, purſuant to the Laws and laudable Cuſtoms and Statutes of this Realm, to extend your Royal Aid, and Command to your Secular Officers, to take and impriſon the Body of the ſaid *A. B.* that they, whom the Fear of God will not reclaim from their evil Ways, your Majeſty's Obſervance may force and compel; and may the Almighty long preſerve your Majeſty, to the well governing your People. In Teſtimony whereof we have cauſed the Seal of our ——— Court of ——— to be affixed to theſe Preſents. *Dated* the ——— Day of ——— in the Year of our Lord —— and in the —— Year of our Tranſlation.

An

An Act of Court on abſolving a Perſon excommunicated for Contumacy in not appearing, confeſſing a Libel, and injoining Penance in that ſame Cauſe.

—— Day of —— before the Worſhipful *W. W.* Doctor of Laws, Surrogate, *&c.* in the Preſence of the Notary Publick underwritten.

C. D. of the Pariſh of —— in the County of —— againſt *A. B.* of the ſame Pariſh, in a certain Cauſe of Defamation or Slander.

W. *C.*

UPON which Day appeared perſonally the ſaid *A. B.* the Party Principal in this Cauſe, and alledged that he was and is excommunicated by the Authority of this Court in the Pariſh Church of —— aforeſaid, in not appearing on a certain competent Day, Time and Place appointed him, and ſince elapſed, to anſwer to the ſaid *C. D.* in a certain Cauſe of Defamation or Slander, and that he is now ready and willing to obey the Law and Mandates of the Church in all Things juſt and reaſonable, and alſo ready and willing to pay to the ſaid *C. D.* or to her Proctor, all Fees due for his Contumacy in this Behalf; wherefore he prayed, and the ſaid Surrogate at his

his Petition, (he having firſt made Oath of well and truly obeying the Law and Mandates of the Church in all Things juſt and reaſonable, and paying the adverſe Proctor the Contumacy Fees due in this Behalf) abſolved him from the Sentence of the Excommunication, brought and inflicted upon him by the Authority of this Court for his Contumacy in not appearing as aforeſaid, and reſtored him to the Communion of the Faithful, and thereupon decreed Letters Teſtimonial to be granted; then the ſaid *W.* gave a Libel in this Cauſe in Writing, which he prayed to be admitted, and the ſaid *C.* to anſwer thereto immediately, and Right and Juſtice to be done to his Party, and the ſaid *C.*'s Client to be condemned in Coſts made, and to be made, in this Cauſe, on the Part and Behalf of the ſaid *C. D.* his Party, the ſaid *C.* diſſenting; but in order to avoid further Trouble and Expences, gave an Affirmative Iſſue to the ſaid Libel, which being done, the ſaid Surrogate injoined the ſaid *A. B.* to do a ſalutary Penance for his Soul's Health and Reformation of his Manners, to be performed in the Veſtry-Room of the Pariſh Church of —— aforeſaid, immediately after Morning Prayer and Sermon are ended, before the Miniſter and Church-wardens of the ſaid Pariſh, and in the Preſence of *C. D.* of the Pariſh of —— aforeſaid, and in the Preſence of five or ſix more of the Friends of her the ſaid *C. D.* if they ſhall be there, otherwiſe in their Abſence, on *Sunday* next the —— Day of —— and condemned the ſaid *A. B.* in the Coſts, according to the Style of this Court,

Court, which he immediately paid; and decreed the ſaid *C.* to certify the due Performance of his Penance on the ——— Seſſion of —— Term.

An Abſolution from an Excommunication for Contumacy in not appearing, in the ſame Cauſe.

E. By Divine Permiſſion, Biſhop of —— To all and ſingular Rectors, Vicars, Chaplains, Curates and Clerks whomſoever and whereſoever in and throughout our whole Dioceſe of ——— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of our —— Court of ——— lawfully appointed, rightly and duely proceeding, hath abſolved and reſtored to the Communion of the Faithful *A. B.* of the Pariſh of ——— in the County of —— and Dioceſe of —— from a certain Sentence of Excommunication, heretofore pronounced againſt him for his manifeſt Contempt and Contumacy in not appearing before our ſaid —— his Surrogate, or ſome other competent Judge, to anſwer to *C. D.* of the ſame Pariſh in the ſame County and Dioceſe, in a certain Cauſe of Defamation or Slander, he having firſt made Oath to obey the lawful Orders and Commands of his Ordinary in all Things juſt and lawful for the future, (Juſtice ſo requiring;) We therefore do ſtrictly injoin and require you the ſaid Rectors, Vicars, Chaplains, Curates and Clerks,

Clerks, jointly and ſeverally, upon Pain of the Law, and Contempt thereof, on the next Lord's Day, or Feſtival, after Receipt hereof, in your reſpective Pariſh Churches, or one of them, during Divine Service, and while the greater Part of the Congregation are there aſſembled together for Holy Worſhip, publickly and openly denounce and declare, or cauſe to be denounced and declared, that he the ſaid *A. B.* was and is by our Authority as Ordinary abſolved from the ſaid Sentence of Excommunication formerly read and publiſhed againſt him as aforeſaid, and reſtored to the Communion of the Faithful in Chriſt, and that he is ſo accordingly abſolved and effectually reſtored; and what ye ſhall do, or cauſe to be done in the Premiſſes, ye ſhall duely certify our ſaid ——— his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of — in the Year of our Lord ——

CHAP. II.

London *Cuſtoms concerning Wills, Deviſes, Legacies, Executors and Diſtributions.*

EVery Freeman of *London* may make a Will himſelf, and alter it as often as he pleaſes, but he muſt have Regard to the Cuſtom of *London*, of giving to his Wife one third Part of his Perſonal Eſtate, and to his Children another third Part, and the other third Part he may give away to whom he thinks fit. And if he have a Wife and no Child, ſhe ſhall have Half his Perſonal Eſtate by the ſaid Cuſtom, and the other half he may diſpoſe of as he pleaſes. And the like if he have Children only, and no Wife, they ſhall have one Half by the Cuſtom, and he may diſpoſe of the other. *Vide infra.*

Note, That about ſix Years ſince an Act was paſt, whereby Freemen have the ſame Power of diſpoſing of their Effects as Foreigners, notwithſtanding the ancient Cuſtom.

If a Freeman's Will be written with his own Hand, it ſhall be a good Will as to all his Perſonal Eſtate, altho' his Name be not ſubſcribed thereto, and altho' it be without Date or Witneſſes; as was adjudged in the Caſe of Sir *W. T.* Knt. and Alderman, who in half a Sheet of Paper writ Inſtructions for his Will, and what Legacies he would give; and among the Reſt there was a Legacy of 3000 *l.* to his Nephew's Son: This Paper was offered to be proved, which his other

other Relations oppoſed, the ſame being not ſigned by him, and was without Date, or any Witneſſes thereto; in this Cauſe there was above 1000*l.* ſpent on both Sides; but being all of his Hand Writing, it was adjudged to be a good Will.

But if a Freeman of *London* hath Freehold Lands or Tenements to diſpoſe of, he muſt deviſe the ſame by Will in Writing, purſuant to an Act of Parliament for Prevention of Frauds and Perjuries (*a*), which enacts, that all Deviſes and Bequeſts of any Freehold Lands or Tenements ſhall be in Writing, and ſigned by the Party ſo deviſing the ſame, or by ſome other Perſon in his Preſence, and by his expreſs Directions, and ſhall be atteſted and ſubſcribed in the Deviſor's Preſence, by three or four credible Witneſſes, or elſe be utterly void.

(*a*) 29 *Car.* 2. *cap.* 3.

And that no Deviſe in Writing of Lands, Tenements and Hereditaments, or any Clauſe thereof, ſhall after the 24th of *June* 1677. be revocable, otherwiſe than by ſome other Will or Codicil in Writing, or other Writing declaring the ſame, or by burning, cancelling, tearing or obliterating the ſame by the Teſtator, or in his Preſence by his Direction and Conſent; but all Deviſes and Bequeſts of Lands and Tenements ſhall remain, and continue in Force, until ſo burnt, cancelled, torn, or obliterated, or alter'd by ſome other Will or Codicil, or other Writing as aforeſaid; any former Law or Uſage to the contrary notwithſtanding. *See the aforeſaid Statute.*

Note; by 1 *Bulſt.* 192. a Foreigner as well as Freeman may deviſe his Fee-ſimple Lands in *London* to another in Fee in Mortmain, by the Cuſtom of the City, without any Licence: But ſee *Dyer* 255. That tho' Foreigners as well as Freemen may deviſe by the ſaid Cuſtom, yet none but Freemen may deviſe in Mortmain. And, Deviſe in Mortmain.

By the Cuſtom of *London*, a Deviſe of Lands is invalid, unleſs inrolled within a convenient Time. *Cro. Car.* 669. And a Teſtament of Goods muſt be inrolled in the Huſtings. *Hob.* 346. Deviſe of Lands to be inrolled.

It is ſaid, that by the antient Cuſtom of *London*, where Reverſions of Rents are deviſed by a Will inrolled in the Huſtings, ſuch Reverſions are ſo executed, that after the Deviſor's Death the Deviſee may diſtrain, and make Avowry, or ſue a Writ of Waſte, without any Attornment of the Tenants, *&c.* *Vide ante* in *General Cuſtoms.* Reverſions deviſed by Will inrolled.

It is alſo ſaid, that a Perſon may have an *Ex gravi Querela* upon a Deviſe of Lands there. *Ex gravi Querela.*

I bequeath to my loving Wife *Alice* my Livelihood in *London* for the Term of her Life. By this Will Lands in *London* will paſs by Force of the Word *Livelihood.* *Owen* 30. And *Brooke* Juſtice there ſaid, it was in antient Times uſed in divers Places of this Realm, and taken for an Inheritance, to which *Dyer* agreed. Bequeſt of Livelihood.

It is ſaid to be the Cuſtom of *London*, that if a Father advance any of his Children with any Part of his Goods, that ſhall bar them to demand any further Part, unleſs the Father under his Hand, or in his laſt Freemen's Wills.

Will, do expreſs or declare that it was but in Part of Advancement; and then that Child ſo partly advanced, ſhall put his Part in Hotchpot with the Executrix and Widow, and have a full third Part of the Whole, accounting that which was formerly given him as Part thereof. *Co. Litt.* 176. *b.* 12 *Co.* 113.

Hotchpot, *vide poſt.*

Probate of Wills in *London.*

By the Cuſtom of *London* Probate of Teſtaments in *London* is firſt before the Ordinary, and after before the Mayor of *London* in his Huſtings. See *Regiſter* 246. *Perk.* 577. *Cro. Car.* 396.

The Method.

To prove the Will in the Huſtings is thus: The Witneſſes thereto muſt be ſworn in open Court, and if their Evidence be full, the Clerk of the Inrolments will enter the Will upon Record, which is the beſt way of proving Wills touching Eſtates in *London.* See *General Cuſtoms* ante.

As to the Office and Duty of Executors, *ſee* Tit. *Orphans, &c.* And *Note,* That by the Cuſtom of *London* an Executor ſhall be charged there to pay a Debt of Simple Contract of his Teſtator. See 5 *Co.* 82. *Cro. Eliz.* 409. 5 *Mod.* 76, 93, *&c.*

Note alſo, That in the Caſe of *King* againſt *Peck* in *Mich.* 10 *W.* 3. *B. R.* it was ſaid by *Holt* Chief Juſtice, that by the Cuſtom of *London,* the Executor ſhall on the Maſter's dying before an Apprentice's Term be expired, put the Apprentice to another Maſter of the ſame Trade; and that even in other Places it would be very hard to conſtrue the Death of the Maſter to be a Diſcharge of the Covenants. He ſaid it had been held, that the Covenant for

for Inſtruction failed, but that he ſtill continued an Apprentice with the Executor *quoad* Maintenance. 2 *Salk.* 426.

See 2 *Levinz* 177. That the Executor is liable in Covenant, if he does not inſtruct the Apprentice, or find him another Maſter.

In Attachment on a Prohibition to the Prerogative Court, the Plaintiff declares on the Statute 22 *Car.* 2. for ſettling Inteſtates Eſtates, and the Proviſo therein for ſaving the Cuſtoms of *London*, *&c.* and then ſhews the Cuſtom of *London*, for Diſtribution of Eſtates of Freemen dying Inteſtate, *viz.* one Part to the Wife, one other to the Child of the Inteſtate, and the third Part to his Adminiſtrator (*a*); and further ſhews, that *D.* the firſt Husband of the Wife, was a Citizen and Freeman of *London*, and died Inteſtate, and Adminiſtration was committed to his Widow, who had a Child, and that ſhe had made Diſtribution according to the Cuſtom, and notwithſtanding was ſued in Court Chriſtian, to make a Diſtribution of the Part of the Adminiſtratrix. The Queſtion was, whether the Cuſtom were good in Law? For that every Cuſtom muſt be Time out of Memory, and the Adminiſtrator had Commencement within Time of Memory; for he was conſtituted by the 31 *Edw.* 3. But *per Curiam* the Cuſtom was good, and is the ſame with 2 *Co. Rep. Snelling*'s Caſe; and the Adminiſtrator was by Common Law, the King as *Parens Patriæ* being ſo. And it was agreed by all the Juſtices, that the Heir, by the Cuſtom of *London*, ſhall have his Diſtributive

(*a*) The third Part of the Goods of a Citizen of *London* dying Inteſtate, pertaining by the Cuſtom to his Adminiſtrator, is ſubject to Diſtribution by the Act of 22 *Car.* 2. *cap.* 10. for the Settlement of Inteſtates Eſtates.

tive Part. *T. Jones* 204. *& Ux'* verſus *Criſp. Pat.* 32 *Car.* 2. *B. R.*

Diſtribution of Freemens Eſtates.

As to the Cuſtom concerning the Diſpoſition of Freemens Eſtates, to what is ſaid before we may add theſe Rules in 2 *Salk.* 426. *viz.* If a Freeman of *London* has no Wife, but only Children, the Half of his Perſonal Eſtate belongs to his Children, and the other Half the Freeman may diſpoſe of. So if he has a Wife, and no Children, Half of his Perſonal Eſtate belongs to his Wife, and the other Half he may diſpoſe of. But if a Freeman has a Wife and Children, one third Part belongs to the Wife, another third Part to his Child or Children, and the remaining third Part only the Freeman may diſpoſe of; and if ſuch Freeman dies Inteſtate, the Cuſtom can only affect two Thirds, and the remaining Third is ſubject to the Statute of Diſtributions, and ſo dividing the Whole into Ninths, four Ninths belong to the Wife, and five Ninths belong to the Children.

Cuſtom not extended to Grandchildren.

If ſuch Freeman has two Sons, and the eldeſt Son dies leaving a Son, and then the Freeman dies, the Grandchild, tho' in Law a Repreſentative of the Son who never was advanced, has no Part by the Cuſtom of *London*; for the ſaid Cuſtom extends only to the Children, and not to the Grandchildren, *per Northey*; and ſo it has been certified by the Recorder into Chancery.

If ſuch Freeman has advanced any of his Children with a Portion, yet if it appear what that Portion was by any Writ

under the Father's Hands, or by his Will or Marriage Settlement, and by the ſaid Will or Settlement it is ſaid, that the ſaid Portion is, or was, in full of his Child's Part by the Cuſtom, yet this Child ſhall come in for a Share of the Reſt of the Father's Perſonal Eſtate, bringing the Portion already received into Hotchpot; otherwiſe it is if it does not appear under the Father's Hand what the Advancement was. 2 *Salk.* 427. See *Co. Lit.* 176. & 12 *Co.* 13.

Where it is under the Father's Hand, how much the Child has received, &c. yet brought into Hotchpot.

A Nuncupative Will.

——— Day of ———

Memorandum, That on or about —— the —— Day of —— Inſtant, *W. T.* te of the Pariſh of ——— in the County f —— Bachelor, being then ſick of the ickneſs whereof he died the ſame Day, eing of ſound and perfect Mind, Memory nd Underſtanding, and having an Intent nd Purpoſe to make his laſt Will and eſtament Nuncupative, or by Word of outh, did deſire that *S. S.* and *J. A.* eing his Friends and Acquaintance) might ſent for to take Notice of what he ſhould y or declare; and that the ſame might ntain his laſt Will and Teſtament Nunpative, or by Word of Mouth as aforeid; and accordingly the ſaid *S. S.* and *A.* according to the ſaid *W. T.*'s Deſire, me to him at his Houſe in the Pariſh of— oreſaid, and coming into his the ſaid *W. T.*'s dchamber, he the ſaid *W. T.* did declare

and utter the following Words; [*Here inſert* verbatim *the Deviſes or Bequeſts of the Teſtator*,] which Words, or Words to the ſame Effect, were ſpoke by the ſaid *W. T.* in Preſence of the ſaid *S. S.* and *J. A.* And he then deſired them to take Notice that the ſame might be, and contain his laſt Will and Teſtament Nuncupative, or by Word of Mouth; and the ſaid *W. T.* deceaſed was at all and ſingular the Premiſſes of ſound and perfect Mind, Memory and Underſtanding, and well underſtood what he ſaid and did.

S. S.
J. A.

—— Day of —— the ſaid *S. S.* and *J. A.* were ſworn to the Truth of the Premiſſes, before me *J. H.* Surrogate.

Note, That every Nuncupative Will muſt be reduced into Writing within ſix Days, and proved in ſix Months; and in order to prove the ſame, the next of Kin muſt firſt be cited by Proceſs to appear, in order to ſee ſuch Nuncupative Will propounded or proved by Witneſſes.

An Affidavit touching Inſtructions taken for a Will, in order to ſupport the Draught thereof made therefrom, the Deceaſed dying before Execution.

—— Day of — in the Year of our Lord —

APpeared perſonally *A. B.* of the Pariſh of —— in the County of ——— and *J. K.* of the Pariſh of —— in the County of —— and ſeverally made Oath; and firſt the ſaid *A. B.* maketh Oath, that ſhe this Deponent knew, and was intimately acquainted with *O. P.* late of the Pariſh of — in the County of —— deceaſed, for —— Years before his Death, and that ſhe this Deponent frequently viſited him during his laſt Sickneſs, and that upon the —— Day of —— laſt paſt, this Deponent being with the ſaid Deceaſed at his Lodgings in the Pariſh aforeſaid, and perceiving him to be very ill, asked him, if he had made his Will; to which the ſaid Deceaſed replied, that he had ſent for a Scrivener to make his Will; but ſuch Scrivener not immediately coming, he expreſſed an Uneaſineſs thereat, and then deſired this Deponent to take Inſtructions for the making of his Will; and thereupon ſhe did, from the Deceaſed's own Mouth and Dictating, take down the Inſtructions hereunto annexed, in Manner as now appears; and that during the Deponent's taking Inſtructions, one Mr. *J. K.* a Scrivener came to the De-

ceaſed, and the ſaid *J. K.* did then, in the Deponent's Preſence, read the ſaid Inſtructions over audibly and diſtinctly to the ſaid Deceaſed; and the ſaid Deceaſed did then declare his Approbation thereof, and deſired the ſaid *J. K.* to make his Will from ſuch Inſtructions; and the ſaid *J. K.* did immediately in the ſaid Deceaſed's Bedchamber, draw up the Deceaſed's Will hereunto annexed, from ſuch Inſtructions, ſo far as related to the ſaid Inſtructions; which having ſo done, and the ſaid Deceaſed not having diſpoſed of the Remainder of his Eſtate, nor named an Executor; the ſaid *J. K.* asked the ſaid Deceaſed, in the Deponent's Preſence, to whom he would give the Reſidue of his Eſtate, and whom he would appoint his Executor. To which the ſaid Deceaſed replied in Words to this or the like Effect, That he intended the Reſidue of his Eſtate ſhould be divided between his Brother *J. P.* and his Siſter *M. S.* and that they ſhould be the Executors of his Will; and accordingly the ſaid *J. K.* added the ſame thereto, which having ſo done, he read the ſaid Form of a Will over to the ſaid Deceaſed in this Deponent's Preſence, who approved of the ſame; and whilſt the ſaid *J. K.* was adding the Date to the ſame, and putting the Seal thereto, the ſaid Deceaſed died. And this Deponent *J. K.* maketh Oath, that on or about the —— Day of —— aforeſaid, a Perſon came to the Deponent, and deſired him to go to the ſaid *O. P.* at his Lodgings in the Pariſh of —— aforeſaid, to make his Will; he this Deponent accordingly

cordingly went and found *A. B.* this Deponent's Fellow Witneſs, taking Inſtructions for making of the ſaid Deceaſed's Will; and he this Deponent did then, in the ſaid *A. B.*'s Preſence, read the ſaid Inſtructions diſtinctly over to the ſaid Deceaſed, and the ſaid Deceaſed declared his Approbation thereof, and deſired this Deponent to make his Will from ſuch Inſtructions; and this Deponent did immediately, in the ſaid Deceaſed's Bedchamber, draw up the Form of a Will hereunto annexed from ſuch Inſtructions, ſo far as related to the ſaid Inſtructions; which this Deponent having ſo done, and the ſaid Deceaſed not having in the ſaid Inſtructions diſpoſed of the Remainder of his Eſtate, nor having named an Executor, he asked the ſaid Deceaſed, in the ſaid *A. B.*'s Preſence, to whom he would give the Reſidue of his Eſtate, and whom he would appoint his Executor. To which the Deceaſed then replied, in Words to this or the like Effect, That he intended the Reſidue of his Eſtate ſhould be divided between his Brother *J. P.* and his Siſter *M. S.* and they ſhould be the Executors of his Will; and accordingly this Deponent added the ſame thereto, which this Deponent having ſo done, he read the ſaid Form of a Will over to the ſaid Deceaſed, in the Preſence of the ſaid *A. B.* who approved thereof; and whilſt this Deponent was adding the Date to the ſame, and putting the Seal thereto, he the ſaid Deceaſed died. And theſe Deponents further ſeverally make Oath, that the ſaid Deceaſed was at all and ſingular the Premiſſes of ſound and diſpoſing

diſpoſing Mind, Memory and Underſtanding, and well knew what he ſaid and did. All which they declare to be the real Truth, by Virtue of their reſpective Oaths.

An Affirmation for an Executrix being a Quaker.

I *A. B.* do ſolemnly, ſincerely and truly affirm and declare, that I am a Diſſenter from the Church of *England*, commonly called a Quaker; and that I believe this Paper Writing to be and contain the true laſt Will and Teſtament of my late Huſband *J. B.* deceaſed; that I am the Executrix therein named; and that I will well and truly perform the ſame, by paying firſt his Debts, and then the Legacies contained in the ſaid Will, as far as his Goods, Chattels and Credits will thereto extend, and the Law bind me; and that I will bring in an Inventory of the ſame Goods, Chattels and Credits of the ſaid Deceaſed, and paſs a juſt Account of my Executrixſhip when lawfully called ſo to do.

A. B.

—— Day of —— the ſaid *A. B.* made the Affirmation aforeſaid, according to an Act of Parliament in that Behalf made and provided, before me *R. R.* Surrogate.

A

A Decree citing the next of Kin to appear every General Seſſion, to ſee and hear a Nuncupative Will propounded.

R. By Divine Permiſſion, Biſhop of —. To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas *J. K.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed, rightly and duely proceeding in a certain Buſineſs of granting Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *T. T.* late of —— in the County of ——— deceaſed, which is now controverted, and remains undetermined before him in Judgment between *E. S.* the natural and lawful Brother, and next of Kin of the ſaid deceaſed, the Party promoting the ſaid Buſineſs of the one Part, and *M. O.* having an Intereſt, and *W. S.* the Nephew of the ſaid Deceaſed, and alſo *C. D.* the Parties againſt whom the ſaid Buſineſs is promoted, on the other Part, hath at the Prayer of the Proctor of the ſaid *M. O.* decreed the ſaid *E. S.* and *J. S.* the natural and lawful Brothers of the ſaid Deceaſed, and *W. S.* *E. J.* Wife of *R. J.* and *A. S.* the natural and lawful Children of *W. S.* deceaſed, who whilſt living was alſo the natural and lawful Brother of the ſaid Deceaſed, to be cited and intimated to appear in Judgment on

on the Day, Time and Place, and to the Effect, and in Manner and Form herein after mentioned, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly injoin and command ye jointly and ſeverally peremptorily to cite, or cauſe to be cited, the ſaid *E. S.* and *J. S.* and *W. S.* *E. J.* and *A. S.* to appear before our —— his Surrogate, or ſome other competent Judge in this Behalf, (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon —— the —— Day of —— in the Year of our Lord —— between the Hours of —— and ——— in the —— noon of the ſame Day, then and there, and alſo upon every General Seſſion and Seſſions, to be held there from thence until a definitive Sentence ſhall be read and promulged in this Buſineſs, (if they think it their Intereſt ſo to do,) to ſee and hear the Nuncupative Will, or true laſt Will and Teſtament by Word of Mouth of the ſaid Deceaſed, exhibited and propounded in due Form of Law, by and on the Part and Behalf of the ſaid *M. O.* the ſole Executor therein named, and to ſee an Allegation or Allegations, and other Matters concludent in Law, given and admitted on his Behalf, a Term aſſigned to prove the ſame, Witneſſes produced, received and ſworn thereupon, and their Sayings and Depoſitions publiſhed, and a Term or Terms aſſigned to hear Sentence in the ſaid Cauſe, and to hear a definitive Sentence for the Validity of the ſaid Nuncupative Will, or laſt Will and Teſtament, by Word of Mouth of the ſaid Deceaſed, read and promulged therein according to Law,

Law, and all and ſingular other judicial Acts neceſſary, and by Law required to be done and expedited in and about the Premiſſes, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *M. O.* and that ye do moreover peremptorily intimate, or cauſe to be intimated to the ſaid *E. S. J. S. W. S. E. J.* and *A. S.* (to whom we alſo intimate by theſe Preſents) That if they, or one of them, do not appear at the Time, Place, and to the Effect aforeſaid, and from thence upon every General Seſſion and Seſſions, until a definitive Sentence ſhall be read and promulged in the ſaid Buſineſs, or appearing ſhew not ſufficient Cauſe to the contrary, concludent in Law our ——— aforeſaid, or his Surrogate, or ſome other competent Judge in this Behalf, doth intend, and will proceed to the admitting the ſaid Nuncupative Will, or laſt Will and Teſtament, by Word of Mouth of the ſaid Deceaſed, to be exhibited and propounded in due Form of Law, and to the admitting of an Allegation or Allegations, and other Matters and Things concludent in Law, and to the aſſigning a Term or Terms to prove the ſame, and to the receiving and ſwearing Witneſſes thereon, and to the Publication of their Sayings or Depoſitions, and to the aſſigning the Cauſe for Sentence, and to and for expediting all other Acts neceſſary to be done, until a definitive Sentence be given in the ſaid Cauſe, and to the Reading and Promulging of a definitive Sentence for the Force and Validity

of

of the ſaid Nuncupative Will, or laſt Will and Teſtament by Word of Mouth, of the ſaid Deceaſed, upon due Proof being firſt made thereof, the Abſence, or rather Contumacy of them the ſaid *E. S. J. S. W. S. E. J.* and *A. S.* in any wiſe notwithſtanding; and what ye ſhall do, or cauſe to be done, in the Premiſſes, ye ſhall duely certify our ſaid —— or his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of —— in the Year of our Lord ——

A Decree to be hung upon the Royal Exchange, *to cite the next of Kin in Special, and all others in General, to appear every General Seſſion to ſee a Will propounded.*

S. By Divine Permiſſion Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas the Worſhipful *N. S.* Doctor of Laws, (*here inſert the Title of the Judge*) of the — Court of —— lawfully appointed, rightly and duly proceeding in a certain Buſineſs of proving by Witneſſes the laſt Will and Teſtament of *E. F.* late of the Pariſh of —— in the County of —— deceaſed, now depending undetermined before him in Judgment, between *G. H.* the Executor named in the ſaid Will, the Party

promoting the ſaid Buſineſs on the one Part, and *J. K.* the —— and next of Kin of the ſaid Deceaſed, the Party againſt whom the ſaid Buſineſs is promoted on the other Part, hath, at the Petition of the Proctor of the ſaid *G. H.* decreed the ſaid *J. K.* to be cited and intimated to appear in Judgment on the Day, Time and Place, and to the Effect, and in the Manner and Form herein after mentioned, (Juſtice ſo requiring;) We therefore authoriſe, impower and ſtrictly injoin ye, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the ſaid *J. K.* in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the Goods, Chattels and Credits of the ſaid Deceaſed, or in his ſaid laſt Will and Teſtament, by firſt publickly affixing this original Decree for ſometime upon one of the Pillars of the *Royal Exchange*, *London*, at the uſual Time of Merchants reſorting there, and by leaving there affixed a true Copy thereof, and by all other lawful Ways, Means and Methods whatſoever, whereby this our Citation may moſt likely come to the Knowledge as well of the ſaid *J. K.* in ſpecial, as of all others in general, ſo to be cited and intimated as aforeſaid, to appear before our —— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, in (*here mention the particular Place of Appearance*) and Place of Judicature there, upon the 30th Day after this Decree ſhall be executed, in the Manner and Form aforeſaid, if it be a Court Day, otherwiſe on the Court Day then next enſuing, at the accuſtomed Hours of hearing

hearing Cauſes, and doing of Juſtice there, then and there, and alſo upon every General Seſſion and Seſſions to be held there from thence until a definitive Sentence ſhall be read and promulged in the ſaid Buſineſs incluſively, (if any of them ſhall think it their Intereſt ſo to do,) to ſee and hear the true Original laſt Will and Teſtament of the ſaid Deceaſed, exhibited and propounded in due Form of Law by and on the Part and Behalf of the ſaid *G. H.* the ſole Executor therein named, and to ſee an Allegation or Allegations, and other Matters concludent in Law, given and admitted on his Behalf, a Term aſſigned to prove the ſame, Witneſſes produced, received and ſworn thereupon, and their Sayings and Depoſitions publiſhed, and a Term or Terms aſſigned to hear Sentence in the ſaid Cauſe or Buſineſs, and to hear a definitive Sentence for the Force and Validity of the ſaid Will, read and promulged therein according to Law, and all and ſingular other judicial Acts neceſſary, and by Law required to be done and expedited in and about the Premiſſes; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *G. H.* the Executor named in the laſt Will and Teſtament of the ſaid Deceaſed; and that ye moreover peremptorily intimate, or cauſe to be intimated to the ſaid *J. K.* in ſpecial, and all others in general, (to whom we alſo intimate by the Tenour of theſe Preſents,) That if he, they, or either of them, do not

not appear on the ſaid Day, Time and Place, and to the Effect aforeſaid, and from thence on every General Seſſion and Seſſions, until a definitive Sentence ſhall be read and promulged in the ſaid Cauſe or Buſineſs inclusively, or appearing ſhew not ſufficient and lawful Cauſe to the contrary, concludent in Law, our —— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, doth intend to proceed, and will proceed to the Admitting the ſaid laſt Will and Teſtament of the ſaid Deceaſed, to be exhibited and propounded in due Form of Law, and to the Admitting of an Allegation or Allegations, and other Matters and Things concludent in Law, and to the Aſſigning a Term or Terms to prove the ſame, and to the Producing, Receiving and Swearing Witneſſes thereon, and to the Publication of their Sayings and Depoſitions, and to the Aſſigning the Cauſe for Sentence, and to and for Expediting all other Acts neceſſary and lawful to be done, until a definitive Sentence be given in the ſaid Cauſe or Buſineſs, and to the Reading and Promulging of a definitive Sentence for the Force and Validity of the ſaid laſt Will and Teſtament of the ſaid Deceaſed; (upon due Proof being firſt made thereof according to Law,) the Abſence, or rather Contumacy of them, and every of them in any wiſe notwithſtanding; and whatſoever ye ſhall do, or cauſe to be done, in the Premiſſes, ye ſhall duely certify our —— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated*, &c.

A Decree to be executed on the Royal Exchange, *in order to cite the next of Kin in Special, and all others in General, to bring in a Will, and to accept or refuſe the Execution thereof if any Will be made) otherwiſe to accept or refuſe Letters of Adminiſtration, ſimply as dying inteſtate; as alſo to exhibit an Inventory upon Oath.*

W. By Divine Permiſſion, Biſhop of ——— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of ——— Greeting: Whereas the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Judge's Title*) of the —— Court of ——— lawfully appointed, rightly and duely proceeding, hath at the Petition of the Proctor of *W. W.* alledging himſelf to be the principal Creditor of *A. B.* late of the Pariſh of —— in the County of —— Widower, deceaſed, * (having whilſt living, and at the Time of his Death, Goods, Chattels or Credits in divers Dioceſes or peculiar Juriſdictions, ſufficient to found the Juriſdiction of our Prerogative Court of ———) decreed *C. D.* a Minor, the natural and lawful Daughter, and only Child and next of Kin of the ſaid Deceaſed, to be cited and intimated to appear lawfully on the Day, Time and Place, and to the Effect, and in the Manner and Form herein after mentioned,

* If *Bona Notabilia*, inſert this Sentence.

tioned, (Juſtice ſo requiring;) We do hereby therefore authorize, impower and ſtrictly injoin you, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the ſaid *C. D.* in ſpecial, and all others in general, having, or pretending to have, any Right, Title or Intereſt in the Goods, Chattels and Credits of the ſaid Deceaſed, by firſt publickly affixing this our original Decree for ſome Time upon one of the Pillars of the *Royal Exchange*, *London*, at the uſual Time of Merchants reſorting thither, and by leaving there affixed a true Copy thereof, and by all other Ways, Means and Methods whatſoever, whereby this our Citation and Intimation may moſt likely come to the Knowledge as well of the ſaid *C. D.* in ſpecial, as of all others in general, to be cited and intimated as aforeſaid, to appear lawfully before our —— his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place where the Cauſe is heard*) and Place of Judicature there, upon the oth Day (*a*) after this Decree ſhall be executed, in the Manner and Form as aforeſaid, if it be a Court Day, otherwiſe on the Court Day then next following, at the uſual Hours of hearing Cauſes, and doing of Juſtice there, then and there to exhibit and leave in the Regiſtry of the ſaid Court the true Original laſt Will and Teſtament of the ſaid Deceaſed, (if he made any, and if ſhe be the Executrix therein named, to accept or refuſe the Execution thereof; and if there be no Executor named in ſuch Will, to accept or refuſe Letters of Adminiſtration

(*a*) Perſons reſiding abroad are generally cited to appear within thirty Days after Service, if it be a Court Day, otherwiſe on the next Court Day following.

tion of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, (with ſuch Will annexed, being firſt brought in and left in the Regiſtry of the ſaid Court;) but if the ſaid Deceaſed died Inteſtate without making any Will, then to accept or refuſe Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, ſimply as dying Inteſtate; otherwiſe to ſhew good and ſufficient Cauſe, if ſhe hath or knows any, why Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, (with his Will annexed, if there be any as aforeſaid,) otherwiſe ſimply as dying Inteſtate, in due Form of Law, ſhould not be granted and committed to the ſaid *W. W.* the principal Creditor of the ſaid Deceaſed; and alſo to exhibit a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to her Hands, Poſſeſſion and Knowledge, by Virtue of her Corporal Oath; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *W. W.* and that ye ſhall moreover peremptorily intimate, or cauſe to be intimated to the ſaid *C. D.* in ſpecial and all others in general, (to whom alſo we intimate by the Tenour of theſe Preſents) that if ſhe, or they, or ſome or one of them, do not appear lawfully on the ſaid Day, Time and Place, and to the Effect aforeſaid, or appearing lawfully ſhew not ſufficient Cauſe to the contrary, our

aforeſaid

aforeſaid, or his Surrogate, or ſome other competent Judge in this Behalf, doth intend to proceed, and will proceed to the granting and committing Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, (with his laſt Will and Teſtament annexed, if any ſuch be made by the ſaid Deceaſed, and ſhall be exhibited and brought into the ſaid Regiſtry as aforeſaid,) otherwiſe ſimply as dying Inteſtate, to the ſaid *W. W.* (the Abſence, or rather Contumacy of her the ſaid *C. D.* in ſpecial, and all others in general, ſo to be cited and intimated as aforeſaid, in any wiſe notwithſtanding;) and what ye ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify our —— his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated*, &c.

An Affidavit of a Creditor to prove his Debt.

—— Day of —— *&c.*

WHICH Day appeared perſonally *F. W.* of the Pariſh of —— in the County of —— and depoſed, by Virtue of his Corporal Oath, as follows: That *A. S.* late of the — Ship, the —— deceaſed, was really and truly indebted to this Deponent, by Note of Hand bearing Date the —— Day of — in the Sum of — of lawful Money of *Great Britain*, payable one Month after Date; as alſo in the further Sum of — for Rent due to this Deponent, for a Year and a

Quarter's Rent due at *Lady-day* laſt, no Part of which ſaid Sums this Deponent has received ſince the Deceaſed's Death, or before his Death, or any other Perſon for his Uſe, as he knows or believes; and that the ſaid reſpective Sums are now really and duely owing to him this Deponent. And this Deponent further depoſes, that he believes there is ſome Wages due to the ſaid Deceaſed, for his Service on board the ſaid Ship —— but what particular Sum, or how much, cannot tell; as alſo he believes, that there is a few old Houſhold Goods which belonged to the ſaid Deceaſed at the Time of his Death, and which now are in the Poſſeſſion and Cuſtody of the Widow and Relict of the ſaid Deceaſed; but he declares that none of the ſame are come to his Hands, Poſſeſſion or Knowledge, nor does he know the Particulars of the ſame, neither has any other Goods, Chattels or Credits of the ſaid Deceaſed come to his aforeſaid Hands, Poſſeſſion or Knowledge.

F. W.

An Affidavit touching all Scripts and Scrolls.

J. *M.* the Executor named in the laſt Will and Teſtament of *A. G.* late of the Pariſh of —— in the County of —— deceaſed, maketh Oath, that the Will of the ſaid Deceaſed, bearing Date the —— Day of —— in the Year of our Lord —— wherein this Deponent is made Executor, is the true laſt Will and Teſtament of the ſaid

ſaid *A. G.* and the only Will which the ſaid *A. G.* at any Time made and left behind her at her Death, as he this Deponent verily believes; and that no other Paper whatſoever, any way purporting a Will, Codicil or Teſtamentary Diſpoſition of the ſaid *A. G.* hath at any Time, either before or ſince her Death, come to this Deponent's Hands, Poſſeſſion or Knowledge, excepting the Paper Writing hereunto annexed, marked N° I. purporting to be a Codicil or Teſtamentary Schedule (*a*), which was never executed by the ſaid *A. G.* all which he this Deponent doth declare to be the real Truth, by Virtue of his Oath.

(*a*) Recite the Beginning and Ending of the Schedule.

—— Day of —— the ſaid *J. M.* was ſworn to the Truth of the Premiſſes, before me *B. C.* Surrogate, in the Preſence of *R. B.* Notary Publick.

An Affidavit upon the Delivery of an Original Will out of the Regiſtry upon Bond.

WHereas *B. W.* late of —— in the County of —— deceaſed, made his laſt Will and Teſtament in Writing, bearing Date the —— Day of —— in the Year of our Lord —— and therein and thereof did conſtitute and appoint *A. B.* and *C. D.* Executors, after whoſe Death, *viz.* in the Month of —— in the Year of our Lord —— the ſaid *A. B.* as one of the ſaid Executors, proved the ſaid Will in

common Form in the —— Court of —— by which Will now remaining in the Regiſtry of the ſaid Court, the ſaid Deceaſed deviſed his Freehold and Perſonal Eſtate in Manner as therein appears; now the ſaid *A. B.* one of the ſaid Executors in the ſaid Will named, maketh Oath, that there is a Cauſe depending in the Court of Chancery, wherein *F. B.* is Plaintiff, and he this Deponent and others Defendants; and that there is a Commiſſion lately iſſued out of the ſaid Court of Chancery, for Examination of Witneſſes in the ſaid Cauſe, which Commiſſion is intended to be ſped and executed ſometime between this and the next Term, at —— in the County of —— and that he has been inform'd, and believes it will be abſolutely neceſſary for his Intereſt in the ſaid Cauſe, to have the ſaid Original Will of the ſaid *B. W.* deceaſed, delivered out of the Regiſtry of the ſaid —— Court, to be attended with and produced at —— aforeſaid, on the Part and Behalf of the Deponent, in order to prove the due Execution thereof, at the Execution of the ſaid Commiſſion; and that he this Deponent will, at the Execution of the ſaid Commiſſion, produce, or cauſe the ſaid Original Will to be produced, as well on the Part of the ſaid Plaintiff, as in the Behalf of himſelf and the other Defendants in the ſaid Cauſe, if deſired, and will uſe his utmoſt Endeavours to deliver, or cauſe the ſaid Original Will to be delivered back again into the Regiſtry of the ſaid ——— Court fair and uncancelled, on or before the —— Day of —— next, purſuant to a Bond entered,

tered, or intended to be entered into, or given by this Deponent and others for that Purpoſe.

The Fees due to the Office thereupon.

	l.	*s.*	*d.*
Fee	1	0	0
Affidavit and Duty	0	7	8
Oath and Attendance	0	4	6
Copy	0	4	4
Collating	0	5	0
Enquiring after Security	0	7	6
Bond and Duty	0	4	0
Receipt	0	1	8
Total	2	14	8

—— Day of —— the ſaid *A. B.* was ſworn to the Truth of the Premiſſes, before me *B. C.* Surrogate, preſent *O. R.* Notary Publick.

An Affidavit touching Obliterations, Interlineations and Poſtſcripts, in a Will and Codicil.

A. *B.* of the Pariſh of —— in the County of — Gentleman, and *J. B.* of the Pariſh of —— in the County of — Gentleman, being ſworn upon the Holy Evangeliſts to depoſe the Truth, do ſeverally ſay and depoſe as follows: That they theſe Deponents well knew, and were acquainted with

with *T. W.* late of ——— in the County of ——— for ſeveral Years next preceding the Time of his Death, during which Time they had often ſeen him write, and thereby became well acquainted with his Manner and Character of Hand-writing; and having now ſeen, and carefully peruſed the Paper Writing hereunto annexed, purporting to be the laſt Will and Teſtament of the ſaid Deceaſed, beginning thus, to wit, ——— and ending thus, to wit —— and ſubſcribed *T. W.* and having obſerved the ſeveral Interlineations therein made, to wit, the Words ——— interlined, between the —— and ——— Lines, from the Top or Beginning of the ſaid Will, and alſo the Words ——— interlined, between the —— and ——— Lines, from the Top or Beginning thereof, as alſo a Poſtſcript wrote at the Foot or Bottom of the ſaid Will, in the Words following, to wit ——— as alſo having ſeen and carefully peruſed the Paper Writing hereunto annexed, purporting to be a Codicil to the ſaid Will, beginning thus, to wit ——— and ending thus, to wit ——— and ſubſcribed *T. W.* together with the Poſtſcript at the Bottom of the ſaid Codicil, in the Words and Figures following, to wit —— and ſubſcribed *T. W.* They theſe Deponents do verily believe that the ſaid ſeveral Interlineations made in the ſaid Will, beginning and ending as aforeſaid, with the Poſtſcript at the Bottom thereof, and alſo the Codicil annexed to the ſaid Will, beginning and ending as aforeſaid, with the Poſtſcript at the Bottom thereof, in Manner as therein now appear, to be a

Here recite the Beginning and End of the Will.

of the proper Hand-writing of the ſaid Deceaſed; and this Deponent *J. B.* further maketh Oath, that he this Deponent was preſent when the ſaid Will and Codicil were found in the ſaid Deceaſed's Houſe upon the Day of his Death, and did then read over the ſame, and take Notice that the Legacy of ——— was obliterated in the Manner as the ſame now appears to be, as alſo that the Words —— in the —— Line of the ſaid Will, and the Words ——— in the ——— Line of the ſaid Will, were alſo obliterated in the ſame Manner as they now appear to be.

A. B.
J. B.

—— Day of —— the ſaid *A. B.* and *J. B.* were ſworn to the Truth of the Premiſſes, before me *H. O.* Surrogate, preſent *L. R.* Notary Publick.

An Affidavit in order to have an Original Will out of the Office, to be attended with at the Aſſiſes.

WHereas *H. S.* late of ——— in the County of —— Eſq; deceaſed, made his laſt Will and Teſtament in Writing, and therein and thereof nominated and appointed *K. L.* his Executor, who ſoon after his Death, to wit, on or about the ——— Day of ——— proved the ſaid Will in common Form, and had a Probate thereof granted unto him under the Seal of the — Court of —— which Original Will is now remaining

remaining in the Regiſtry of the ſaid Court. Now *C. T.* of —— in the County of —— Gentleman, maketh Oath that there is a Cauſe of Ejectment now depending between *H. S.* Plaintiff, and *R. W.* Defendant, in which Cauſe *H. S.* Eſq; Son of the ſaid Deceaſed, claims by Virtue of a Demiſe in the ſaid Will, and that therefore it is neceſſary, as he this Deponent is informed, and believes, to have the Original Will of the ſaid *H. S.* Eſq; deceaſed, attended with at the Aſſiſes to be held at —— in the County of ——— on the —— Day of —— in order to ſet forth and determine the Title of the ſaid *H. S.* in the Demiſe claimed to by him under the ſaid Will.

H. S.

—— Day of —— the ſaid *H. S.* Eſq; was ſworn to the Truth hereof, before me *W. B.* Surrogate, in Preſence of *E. A.* Notary Publick.

An Affidavit of a Widow and Adminiſtratrix ſetting forth the finding of a Teſtamentary Schedule, and cancelling Part thereof; and alſo of all Scripts and Scrolls.

A. *B.* the Widow and Adminiſtratrix of all and ſingular the Goods, Chattels and Credits of *D. B.* late of the Pariſh of ——— in the County of ——— deceaſed, maketh Oath, that the ſaid *D. B.* died ſuddenly

denly on or about the —— Day of ——— and that this Deponent did ſoon afterwards, to wit, on or about the ——— Day of the ſame Month, take out Letters of Adminiſtration of his Goods and Chattels, as ſuppoſing him to have died Inteſtate, ſhe this Deponent not having made any Search for a Will, or a Teſtamentary Diſpoſition of the ſaid Deceaſed; he the ſaid Deceaſed having ſome ſhort Time before his Death declared to her this Deponent, that he would make his Will, but dying ſuddenly ſoon afterwards, this Deponent did apprehend that he had not made any Will, which was the Reaſon why this Deponent did not make any Search for a Will before ſhe took out the ſaid Letters of Adminiſtration; and this Deponent further maketh Oath, that ſometime afterwards ſhe this Deponent on ſearching the ſaid Deceaſed's Eſcriptore, wherein he uſually kept his Caſh, Notes, Writings and other Things of Value, did find in one of the Drawers of the ſaid Eſcriptore a Paper Writing, all of his the ſaid Deceaſed's Hand-writing, folded up, which ſhe unfolded and read, the Contents of which Paper Writing were in Subſtance with, and were wrote in the Words, Figures and Forms, as particularly ſet forth in the Schedule marked (*A*) hereunto annexed, to the beſt of her this Deponent's Remembrance and Belief; but this Deponent cannot be poſitive that the Words —— wrote in the Line, wherein ——— is mentioned in the ſaid Schedule (*A*), or that the Words —— wrote in the Line, wherein ——— is mentioned in the ſaid Schedule, or that

that the Figures —— and —— wrote and ſet down at the End of the ſaid reſpective Times, or that the Figures ——— wrote and made at the End of the Line in the ſaid Schedule, wherein the ſaid Deceaſed's Wife's Siſters are mentioned, were all ſo wrote, ſet down and made in the ſaid Original Paper Writing; but is well aſſured, that in the ſaid Original Paper Writing there was not any larger Sum of Money mentioned to be given thereby to the ſaid Perſons reſpectively, than what is ſo wrote and ſet down in the ſaid Schedule (*A*), which Paper Writing being neither ſigned or ſealed, nor the Name of the ſaid *D. B.* wrote or mentioned therein, ſhe this Deponent, not apprehending the ſame to be of any Signification or Validity, did at that Time lay it aſide as a Paper of no Uſe or Conſequence, and meeting with it again ſome little Time afterwards, which was about —— Months after the Death of the Deceaſed, deſtroyed the greateſt Part thereof, and only preſerved Part thereof, being the Paper Writing hereunto alſo annexed, marked with the Letter (*B*), with a View and Intent only that ſhe might make her Daughter *E. B.* who is the only Perſon mentioned therein, ſenſible of the Proviſion her Father intended for her in Caſe ſhe ſhould prove undutiful to her, and ſhould attempt to marry without her Conſent, and for no other Purpoſe whatſoever; and this Deponent further maketh Oath, that about ——— Months ſince ſhe this Deponent, having heard in Converſation ſome Diſcourſe concerning Wills, and that a Will of

Perſon's own Hand-writing, tho' neither gned or ſealed, had in many Inſtances een eſtabliſhed as far as did relate to the iſpoſing of a Perſonal Eſtate, or to that ffect, ſhe this Deponent did then begin to eflect upon what ſhe had done in deſtroy-g Part of the aforeſaid Paper Writing, hich was all of the Deceaſed's Hand-riting, and was very uneaſy in her Mind ll ſhe made a Diſcovery of ſuch her im-rudent Action in deſtroying ſuch Paper Vriting to *R. R.* Eſq; which was about — Veeks ſince, at which Time ſhe did ac-uaint the ſaid *R. R.* with ſuch her Unea-neſs in Mind, and that her Deſtroying art of the aforeſaid Paper Writing was the auſe thereof; and this Deponent further naketh Oath, that ſhe did not deſtroy the id Part of the ſaid Paper Writing with ny fraudulent Deſign whatſoever to wrong ny of the Perſons mentioned therein of heir Legacies intended them thereby, but hat the ſame was done inadvertently thro' gnorance, not in the leaſt apprehending he ſame to be a Paper of any Moment or Conſequence whatſoever; and further ma-eth Oath, that no other Will or Writing whatſoever, purporting a Will or Teſta-nentary Diſpoſition of the ſaid *D. B.* be-ides the Paper Writing, containing the Particulars ſet forth in the ſaid Writing ereunto annexed, marked with the Letter *A*), the ſaid Writing alſo annexed marked *B*), being Part thereof, when the ſame was whole and intire, have at any Time whatſoever, either before or ſince his Death,

come

come to this Deponent's Hands, Poſſeſſion or Knowledge.

A. B.

—— Day of —— the ſaid *A. B.* was ſworn, *&c.*

An Affidavit of a Legatee to lead the Grant of a Decree againſt the Poſſeſſor of an Original Will, in order to cite him to bring in and leave the ſame in the Regiſtry.

——— Day of ———

WHICH Day appeared perſonally *W. G.* of the Pariſh of —— in the County of —— the natural and lawful Son and Legatee named in the laſt Will and Teſtament of *T. G.* late of the Pariſh of — in the County of ——— deceaſed, and depoſed by Virtue of his corporal Oath as follows, (to wit,) That his ſaid Father (whilſt living) made his laſt Will and Teſtament in Writing, and (among other Things in his ſaid Will) did give, deviſe and bequeath to him this Deponent a Legacy of ——— Part of which this Deponent has received, and ſome remains due, beſides the Reverſion of two or three Houſes, as he has been inform'd, after the Deceaſe of *E. G.* and likewiſe made the ſaid *E. G.* his Wife ſole Executrix, which ſaid *E. G.* died without taking upon her the Execution of the ſaid Will; that about three Months ſince this Deponent hearing that the Ori-

ginal Will of his ſaid Father was in the Hands of Mr. *B. O.* of —— applied himſelf to him to deſire him to deliver the ſame to this Deponent, but he refuſed to give or deliver the ſaid Original Will to him, but at the ſame Time ſhew'd this Deponent the ſame; and this Deponent further ſays, that he verily believes the ſaid Original Will to be now in the Cuſtody or Poſſeſſion of the ſaid Mr. *B. O.*

W. G.

The ſaid *W. G.* was ſworn to the Truth hereof, before me *H. B.* Surrogate, preſent *R. J.* Notary Publick.

An Affidavit of a Perſon cited as the ſuppoſed Poſſeſſor of an Original Will, to bring in and leave the ſame in the Regiſtry.

SIR *J. J.* of —— in the County of — Bart. maketh Oath, that he this Deponent being the Executor named in the laſt Will and Teſtament of *C. J.* late of —— in the County of —— Eſq; deceaſed, bearing Date on or about the —— Day of —— in the Year of our Lord —— he the ſaid *C. J.* did, at the Time the ſaid Will was executed, deliver the ſaid Original Will to him this Deponent, in order to take Care thereof; and further ſaith, that ſometime after the Death of the ſaid *C. J.* which

happened in the Month of —— to wit, on or about the ——— Day of —— following, he this Deponent, being then unwilling to act in the ſaid Executorſhip, did deliver the ſaid Original Will to *H. J.* a Brother of the ſaid Deceaſed, in the Preſence of his Mother Mrs. *A. J.* in order that either the ſaid *H. J.* or his Mother, might take out the Letters of Adminiſtration, with the ſaid Will annexed, upon this Deponent's Renouncing the Execution of the ſaid Will; and this Deponent hath not ſeen the ſaid Original Will ſince, but doth verily believe that the ſame is now in the Cuſtody or Power of Mrs. *A. J.* the Widow and Executrix of the laſt Will and Teſtament of the ſaid *C. J.* Eſq; for that when this Deponent was ſerved with the Citation to bring the ſaid Original Will into the —— Court of ——— at the Inſtance of *A. B.* Legatee in the ſaid Will, he this Deponent did go to the ſaid *A. J.*'s Houſe, with an Intent to acquaint her with ſuch Citation, and in order to have the ſaid Will to deliver into the ſaid Court, purſuant to the Tenour of the ſaid Citation; but the ſaid *A. J.* keeping her Chamber, this Deponent could not ſpeak with her, and thereupon this Deponent did acquaint *M. O.* who was then in the ſaid *A. J.*'s Houſe, with ſuch his this Deponent's Buſineſs with the ſaid *A. J.* whereupon the ſaid *M. O.* did, as this Deponent believes, go to the ſaid *A. J.* into her Chamber, and acquaint her therewith; for that he immediately return'd to this Deponent in the ſaid Houſe, and told him, that ſhe the ſaid *A. J.* would

tak

take Advice before ſhe would part with or deliver the ſaid Original Will.

J. J.

The ſaid Sir *J. J.* Bart. was ſworn to the Truth hereof this —— Day of —— before me *C. D.* Surrogate, preſent *D. E.* Notary Publick.

An Affidavit of an Executor, ſetting forth how far he had acted as ſuch, and Renouncing the Execution of a Will after he had proved the ſame.

APpeared perſonally the Reverend Mr. *H. P.* and made Oath, that he this Deponent, as being ſole Executor named in the laſt Will and Teſtament of the late Reverend Mr. *C. D.* deceaſed, did ſome ſhort Time after the Death of the ſaid Deceaſed, take upon him the Execution of the ſaid Will, and had a Probate thereof granted to him under Seal of the —— Court of —— and as Executor of the ſaid Deceaſed, did receive and poſſeſs himſelf of ſome Part of his Perſonal Eſtate, in that he did receive

Specify the Receipts.

But hath not poſſeſſed himſelf of any other Part of the Perſonal Eſtate of the ſaid Deceaſed whatſoever; and as Executor of the ſaid Deceaſed, he hath alſo paid, or cauſed to be paid, ſome Part of the Deceaſed's Funeral Charges, and ſome of the Legacies

deviſed by his Will, and ſome other Monies in Manner following, to wit, to

Inſert the ſeveral Payments.

And this Deponent further ſaith, that he hath not done any other Act as Executor of the late Deceaſed, either in the Receipt or Payment of any other Sum of Money whatſoever, of or belonging to the Perſonal Eſtate of the ſaid late Deceaſed; and that he this Deponent hath not as Executor of the ſaid Deceaſed, either commenced, or cauſed to be commenced, any Action for Debt, or upon any other Account whatſoever, or that there hath been any Action brought againſt him as Executor to the ſaid Deceaſed for Debt, or upon any other Account whatſoever, or that there is now any Action depending upon any Account whatſoever, in any Court whatſoever, wherein this Deponent is a Party, as being Executor of the ſaid Deceaſed; and further maketh Oath, that he does renounce the Burden of the Execution of the ſaid Will, without any Deſign of Fraud, or of injuring any Perſon whatſoever.

H. P.

—— Day of —— the ſaid Reverend Mr. *H. P.* was ſworn, *&c.*

An Affidavit fixing the Identity of a Perſon, a Miſtake being made of the Chriſtian Name of the Executrix in the Original Will.

—— Day of —— *&c.*

A. *B.* of the Pariſh of — in the County of —— maketh Oath, that he well knew, and was acquainted with *P. P.* late of —— in the County of — deceaſed; and this Deponent having now heard the Paper Writing hereunto annexed, containing a Will of the ſaid Deceaſed, read over, and particularly a Clauſe inſerted therein in the following Words, to wit, [And I do hereby make, ordain, conſtitute and appoint my Daughter in Law *J. P.* Widow, Mother of the ſaid *P. P.* my Grandſon, ſole Executrix of this my laſt Will and Teſtament] ſaith that he well knows and is acquainted with *J. P.* Widow, who is the Daughter in Law of the ſaid *P. P.* deceaſed, and Mother of the ſaid *P. P.* the ſaid Deceaſed's Grandſon, the Reſiduary Legatee named in the ſaid Will of the ſaid *P. P.* deceaſed; and that the ſaid Deceaſed had not any Daughter named *Jane P.* who was or is the Mother of any Grandchild of his called *P. P.* therefore this Deponent doth verily believe, and is well ſatisfied in his Conſcience, that *Joanna P.* the Mother of the ſaid *P. P.* the Deceaſed's Grandſon, and Reſiduary Legatee named in his ſaid Will,

was by Miſtake wrote by the Name of *Jane P.* Executrix in the ſaid Will.

A. B.

The aforeſaid *A. B.* was ſworn to the Truth of the Premiſſes, before me *R. C.* Surrogate, in Preſence of *B. B.* Notary Publick.

A Condidit propounding a Will, the Teſtator dying before he executed the ſame.

O. and others againſt } *P.* and others. }

T.

—— Day of —— *&c.*

ON which Day *T.* as lawful Proctor of *D. O.* and *C. O.* two of the Legatees named in the laſt Will and Teſtament of *R. O.* late of the Pariſh of ——— in the County of —— deceaſed, by Virtue of his Authority from them, exhibited the Original laſt Will and Teſtament of the ſaid *R. O.* deceaſed, beginning thus, (In the Name of God, *Amen:* I *R. O.* of the Pariſh of —— in the County of ——) and ending (In *Witneſs* whereof I have hereunto ſet my Hand and Seal this —— Day of ——— in the Year of our Lord Chriſt ———) and to all Effects of Law whatſoever, which may be moſt beneficial and effectual, alledged, pleaded and articulately propounded as follows, (to wit,)

1. That

1. That the ſaid *R. O.* the Teſtator in this Cauſe, deceaſed, being of ſound and diſpoſing Mind, Memory and Underſtanding, and having an Intent to make his laſt Will and Teſtament in Writing, did, on or about the —— Day of —— (being then in Bed ſick of the Sickneſs whereof he died) in the Preſence and Hearing of Mr. *Z. S.* and *M. M.* and *T. S.* give Directions and Inſtructions to the ſaid Mr. *Z. S.* for making of the very Will pleaded and exhibited in this Cauſe; and purſuant to ſuch Inſtructions the ſaid Will was in the Evening of the ſaid Day reduced into Writing by the ſaid Mr. *Z. S.* and was upon the next Morning, being the —— Day of —— read over by the ſaid *Z. S.* to the ſaid *R. O.* audibly and diſtinctly in the Preſence and Hearing of the aforeſaid *T. S. M. M.* and *C. D.* and the ſaid *R. O.* the Teſtator, well underſtood the Contents thereof, and approved of the ſame, and did of his ſaid Will make, conſtitute and appoint his Wife the ſaid *A. O.* and the ſaid *Z. S.* Executors, and did give, will and do in all Things as therein is contained and declared; that he was then willing and deſirous to execute the ſame at the ſaid Time when the ſame was ſo read over to him, but ſaid, that he was in ſuch a Tremor at that Time, that he would put off the Execution of his ſaid Will till the next Day, and then would execute it, or the ſaid *R. O.* the Teſtator, did expreſs himſelf to the ſame Effect and Purpoſe; that ſoon afterwards, and before the next Day came, the ſaid *R. O.* became inſenſible, and in that Condition died without exe-

cuting his ſaid Will; and this was and is true and well known to the ſaid *A. O.* and *Z. S.* and ſo much they do ſeverally know and believe in their Conſciences to be true; and the Party proponent doth alledge and propound every Thing jointly and ſeverally.

2. That all and ſingular the Premiſſes aforeſaid were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, of which legal Proof being made, the Party Proponent prays you, the Worſhipful Judge of this Court, that Right and Juſtice be effectually adminiſtred to him and his Parties in the Premiſſes, and the Force and Validity of the ſaid laſt Will and Teſtament of the ſaid *R. S.* to be pronounced for by you, and your definitive Sentence or final Decree to be given in this Buſineſs.

The

The joint and ſeveral Anſwers of the Executors of a Will propounded in the aforeſaid Condidit.

The joint and ſeveral Anſwers of *A. O.* and *Z. S.* made and given by them, as well as being Executors named in the laſt Will and Teſtament of *R. O.* late of the Pariſh of —— in the County of —— deceaſed, as alſo as Guardians lawfully appointed to *P. O.* and *E. O.* the natural and lawful Children of the ſaid Deceaſed, to the Articles and Poſitions of an Allegation given and admitted on the Part and Behalf of *D. O.* and *C. O.* the natural and lawful Siſters, and two of the Legatees named in the ſaid laſt Will and Teſtament of the ſaid Deceaſed, follow, (to wit,)

TO the firſt Article of the ſaid Allegation, and to the Will of the ſaid *R. O.* therein pleaded and propounded, theſe Reſpondents do jointly and ſeverally anſwer, that they do verily believe that the ſaid *R. O.* the Teſtator in this Cauſe deceaſed, being of ſound and diſpoſing Mind, Memory and Underſtanding, and having an Intent to make his laſt Will and Teſtament, did on the —— Day of —— (being then in his Bed ſick of the Sickneſs whereof he died) in the Preſence and Hearing of *C. D. T. S. M. M.* and this Reſpondent *Z. S.* give him this Reſpondent *Z. S.* Directions and Inſtructions for making the ſaid Will, pleaded

pleaded and exhibited in this Cauſe; and theſe Reſpondents do believe, that purſuant to ſuch Inſtructions the ſaid Will was in the Evening of the ſaid Day drawn and reduced into Writing by this Reſpondent's Brother the ſaid *T. S.* and this Reſpondent *Z. S.* did on the next Morning, being the —— Day of —— read over the ſaid Will to the ſaid *R. O.* audibly and diſtinctly in the Preſence of the ſaid *C. D. T. S.* and *M. M.* and that the ſaid *R. O.* did well underſtand the Contents of the ſaid Will, and did approve of the ſame, and of the ſaid Will did make theſe Reſpondents Executors, and did will, give and do in all Things as therein is contained; and they theſe Reſpondents do further anſwer, that they do believe that it was the Intention of the ſaid *R. O.* to execute the ſaid Will, and that he did declare that he was willing and deſirous to execute the ſame at the Time when the ſame was read over to him, but ſaid, that he was at that Time in ſuch a Tremor that he would put off the Execution of his ſaid Will till the next Day, and that he would then execute it, or the ſaid *R. O.* the Teſtator, did then expreſs himſelf to the ſame Effect and Purpoſe as theſe Reſpondents do verily believe; and theſe Reſpondents do know, that before the next Day came, the ſaid *R. O.* became inſenſible, and in that Condition died without executing the ſaid Will; and further or otherwiſe they do not believe the ſaid Article to be true.

To

To the laſt Article of the ſaid Allegation theſe Reſpondents anſwer, that they believe what they have believed, and deny what they have denied.

Interrogatories to croſs examine Witneſſes to a Will.

—— Seſſion of ——Term, *&c.*

Interrogatories adminiſtred, and to be adminiſtred, on the Part and Behalf of *A. D.* and *B. D.* the Nephews by the Brother of *C. D.* late of ——— in the County of——— deceaſed, to whatever pretended Witneſſes are, or ſhall be produced, by and on the Part and Behalf of *E. F.* Widow, the natural and lawful Siſter, and pretended Executrix named in the pretended laſt Will and Teſtament of the ſaid Deceaſed, follow, (to wit,)

1. LET every Witneſs be asked, How and by what Means did you know *C. D.* the Deceaſed in this Cauſe? Of what Age was he when he died, and when, where and of what Diſtemper did he die? Interrogate each Witneſs jointly and ſeverally to every Thing.

2. Who gave or took Inſtructions for the making or preparing the pretended Will of the ſaid Deceaſed, pleaded in this Cauſe? Were ſuch Inſtructions taken by Word of Mouth or in Writing? What was done with them after the ſaid pretended Will was drawn and executed, and what is now become

become of them, as you know, believe or have heard? And Interrogate as before.

3. Were you preſent at the pretended Time when the Deceaſed gave Inſtructions for the making of the ſaid pretended Will? And how, and by what Means came you to be ſo preſent, and when and where were the ſame given and taken? Deſcribe the Houſe or Place, and particular Time, and who by Name was or were then likewiſe preſent beſides you the Witneſs, and how came he, ſhe or they to be ſo preſent, as you know, believe or have heard? And Interrogate as before.

4. How came you to be a Witneſs to the pretended Execution of the pretended Will of the ſaid Deceaſed, exhibited and pleaded in this Cauſe? At whoſe Requeſt was it? Did the Deceaſed himſelf, or any other Perſon, and who, deſire you to ſubſcribe your Name as a Witneſs thereto? Where, and in what Houſe or Place, and when, and on what Day of the Week, Month and Year, and what Hour of the Day was it, when ſuch pretended Will, as pleaded in this Cauſe, was pretended to be executed? And who by Name was then and there preſent beſides you the Witneſs, as you know or can remember? And Interrog te as before.

5. Whether did the ſaid Deceaſed execute ſuch his pretended Will, by Signing, Sealing and Publiſhing the ſame in your Preſence, and at the ſame Time, in the Preſence of each and every of the Perſons whoſe Names are pretended to be ſubſcribed as Witneſſes to the pretended Execution

cution thereof? And did you, and every other of the ſaid pretended Witneſſes, at one and the ſame Time, in the Preſence of the ſaid pretended Teſtator, and of each other the ſaid pretended Fellow Witneſſes, ſubſcribe your Names as Witneſſes thereto, in Manner as therein is now pretended to be? What Words or Expreſſions did the ſaid Deceaſed uſe at ſuch pretended Time of executing the ſaid pretended Will, whereby you apprehend that he well knew what he then did? Conſider you are upon your Oath. And Interrogate as before.

6. Was the ſaid pretended Will read over by the ſaid Deceaſed, or to him by any Perſon or Perſons, and whom, at, or at any Time before, the pretended Execution thereof, and in whoſe Preſence beſides you the Witneſs? And Interrogate as before.

7. What Eſtate or Eſtates Real, Copyhold or Leaſehold? And of what Value, where ſituated, and in whoſe Poſſeſſion did the ſaid Deceaſed die intitled unto? Let the ſeveral Eſtates be deſcribed, and who poſſeſſed by, and what Arrears of Rent due therefrom at his Death, and from whom as you know, believe or have heard, are ſet down. And Interrogate as before.

8. Can you poſitively ſwear, and your Reaſon or Reaſons for ſuch your Swearing, that the Inſtructions taken from, or given by the ſaid Deceaſed, for the making or drawing the pretended Will pleaded in this Cauſe, directed and gave the Maker or Drawer thereof ſufficient Authority and Directions for the making and deviſing every

every *Item*, Deviſe and Bequeſt contained in the ſaid pretended Will? If not, which or what *Item* or *Items*, Deviſes or Bequeſts, are in the ſaid Will not warranted by the ſaid Deceaſed's ſaid Inſtructions? And why, or how, came they to be therein inſerted, as you know, believe or have heard? And Interrogate as before.

9. Were you the Witneſs, or who elſe, as you know or believe, the Writer of the ſaid pretended Will? Was the ſame wrote directly from Inſtructions given by, or taken from the ſaid Deceaſed, or from a foul Draft? Of whoſe Writing or Drawing was ſuch foul Draft, and what afterwards was done with the ſame, and where is it now, or hath been ſince, and in whoſe Cuſtody, as you know, believe or have heard? And Interrogate as before.

10. Can you depoſe, and are you aſſured in your Conſcience as firmly to believe, that there was no Force, Fraud, Contrivance, or any Impoſition on the ſaid Deceaſed in the Contriving and Executing the ſaid pretended Will? Nor any Deviſe or Clauſe therein, but that he well knew the intire Import and Signification of every *Item* and Deviſe therein? And if you believe otherwiſe, which Clauſe or Deviſe, Clauſes or Deviſes therein were impoſed on him, and inferted therein, contrary to his Knowledge, and by whom? And Interrogate as before.

11. What Buſineſs or Profeſſion are you of? Where, and how have you lived for theſe ſeven Years laſt paſt? What are you worth, your Debts paid? And what have

you received, been promiſed, or do you any ways expect, and from whom, for, or any ways on Account of your being a Witneſs in this Cauſe? Do you expect no Benefit or Advantage to yourſelf or Family, and whom of, to your Conſcience, by the Will in Queſtion? And Interrogate as before.

12. Are you any ways indebted to the Producents, any and which of them, or they or either, and which of them, to you in any and what Sum or Sums of Money, and how ſecured, or are you related to them, either, and which of them, in any and what Degree? Set forth the ſame, and conſider you are upon your Oath. And Interrogate as before.

A Condidit propounding a Will.

A Buſineſs of proving by Witneſſes the laſt Will and Teſtament of *G. B.* late of the Pariſh of —— in the County of —— deceaſed, promoted by *C. H.* the ſole Executrix named in the ſaid Will.

R.

Upon which Day *R.* as lawful Proctor of the ſaid *C. H.* and by Virtue of his Authority from her, exhibited the true Original laſt Will and Teſtament of the ſaid *G. B.* deceaſed, beginning thus, to wit— (*a*) and ending thus, to wit, —— and ſubſcribed *G. B.* and to all Effects of Law whatſoever, which may be moſt beneficial and effectual in this Behalf alledged, pleaded and articulately propounded as follows, to wit,

(*a*) Recite the Beginning and Ending of the Will.

1. That

1. That the ſaid *G. B.* the Teſtator in this Cauſe, deceaſed, being of ſound and diſpoſing Memory and Underſtanding, and having an Intent to make his laſt Will and Teſtament in Writing, did on or about the —— Day of —— in the Year of our Lord —— make and declare his ſaid laſt Will and Teſtament in this Cauſe exhibited, and therein and thereof did conſtitute and appoint the ſaid *C. H.* ſole Executrix; and the ſaid Will was reduced into Writing according to the Directions and Inſtructions of the ſaid Deceaſed, and was read over to or by him, and he well underſtood the Contents thereof, and approved of the ſame, and did will, give and do in all Things as therein is contained; and he the ſaid Deceaſed did write his Name at the Foot or Bottom of the ſaid Will, and did ſign, ſeal, publiſh and declare the ſame by taking a Seal from off the Wax now appearing near his ſaid Name, as and for his laſt Will and Teſtament, as well in the Preſence of the Witneſſes thereto ſubſcribed, who ſigned their Names as Witneſſes to the ſaid Will, in the Preſence, and at the Requeſt of the ſaid Teſtator, as alſo in the Preſence of ſeveral other credible Perſons then preſent; and the ſaid Teſtator was at all and ſingular the Premiſſes of ſound diſpoſing Mind, Memory and Underſtanding; and this was and is true, and the Party Propopent doth alledge and propound the ſame, and every Part thereof, jointly and ſeverally.

2. That all and ſingular the Premiſſes foreſaid were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report; and of which legal Proofs being made, the Party roponent prays Right and Juſtice to be done to him and his Party in the Premiſſes, by you the Worſhipful the Judge of this Court; and the Force and Validity of the ſaid laſt Will and Teſtament of the ſaid *B.* deceaſed, to be pronounced for, and the Probate thereof granted to the ſaid *H.* to be confirmed by you, and your definitive Sentence or final Decree to be given in this Buſineſs.

A Condidit propounding a Nuncupative Will.

—— Seſſion of —— Term, &c.

A Buſineſs of exhibiting and propounding in ſolemn Form of Law the laſt Will and Teſtament Nuncupative of *C. C.* late of the Pariſh of —— in the County of — Widow, deceaſed, promoted by *R. R.* Nephew by the Siſter, and principal Legatee named in the ſaid Will of the ſaid Deceaſed, againſt *D. B.* pretended Adminiſtrator of the Goods, Chattels and Credits of the ſaid Deceaſed.

* Recite *verbatim* the Beginning and End of the Will.

L. *W.*

Upon which Day *L.* as lawful Proctor of the ſaid *R. R.* exhibited a certain Schedule Teſtamentary, containing the Nuncupative Will of the ſaid *C. C.* Widow, deceaſed, beginning thus, to wit, * [——] and ending thus, to wit, [——] [At all which ſeveral Tranſactions the ſaid *C. C.* was of ſound Mind and Memory, and well knew and underſtood what ſhe ſaid and did] and to all Effects of Law whatſoever which may be moſt beneficial and effectual, alledged, pleaded and particularly propounded as follows, to wit,

1. That the ſaid *C. C.* the Teſtratrix in this Cauſe, deceaſed, on or about the — Day of —— in the Year of our Lord — then being in the Houſe of —— in the Pariſh of —— aforeſaid, and being ſick of

of the Sickneſs whereof ſhe died, and be-
ing of perfect Mind, Memory and Under-
ſtanding, and having a Mind to ſettle and
diſpoſe of what ſhe had, did make her laſt
Will and Teſtament Nuncupative, or by
Word of Mouth, in the Words following,
r Words to that or the like Effect:
Here recite the Words Nuncupative verbatim
ade by the Teſtatrix] All which Words, or
Words to that or the like Effect, the ſaid
C. the Party in this Cauſe, deceaſed,
ncupated and ſpake, with an Intent that
e ſame ſhould ſtand for and be her laſt
ill and Teſtament Nuncupative, in the
eſence of ſeveral credible Witneſſes, and
queſted or deſired the Witneſſes then and
re preſent, or ſome of them, to take
tice, that what ſhe then ſaid and de-
red was her laſt Will; and ſhe the ſaid
C. deceaſed, was, at all and ſingular the
miſſes, of perfect, ſound and diſpoſing
nd, Memory and Underſtanding, and
by the Words, [My Nephew in the
ntry, who is the Father of my Niece
z] nuncupated by the ſaid Teſtatrix as
eſaid, and in the aforeſaid Teſtamentary
dule mentioned, the ſaid Teſtatrix
meant and intended the ſaid *R. R.*
Party Proponent in this Cauſe; and
the ſaid *R. R.* the Party Proponent,
lived at —— in the County of ——
is the natural and lawful Father of
the ſaid Deceaſed's Niece, of whom
en ſpoke; and this was and is true,
k and notorious, and well known to
id *D. B.* Party in this Cauſe; and the
Propopent doth alledge and propound

the ſame, and every Part thereof, jointly and ſeparately.

2. That all and ſingular the Premiſſes were and are true, and ſo forth.

A Citation for an Executor to bring in the Probate of a Will, to prove the ſame by Witneſſes, and alſo to exhibit an Inventory upon Oath.

H. *H.* Doctor of Laws, (*here recite the Titles of the Judge*) lawfully conſtituted; To all and ſingular Clerks and literate Perſons in and throughout the whole —— of ——— aforeſaid, Greeting. We do impower and ſtrictly injoin and command you, jointly and ſeverally, peremptorily to cite, or cauſe to be cited *A. B.* the pretended Executor named in the pretended laſt Will and Teſtament of *C. D.* late of the Pariſh of ——— in the County of —— Spinſter, deceaſed, to appear before us, our Surrogate, or ſome other competent Judge in this Behalf, (*here name the Place particularly where the Cauſe is heard*) and Place of Judicature there on the (*ſpecify the Return*) after he ſhall be ſerved with this Citation, if it be a Court Day, otherwiſe the Court-Day then next following, at the uſual Hours for hearing Cauſes and doing of Juſtice there, then and there to bring in and leave in the Regiſtry of the —— Court of —— aforeſaid the pretended Probate of the pretended Will and Teſtament of the ſaid Dece

heretofore unduly obtained in the Name of the ſaid *A. B.* as the pretended Executor thereof, in the ſaid Court, in common Form, and to prove the ſaid Will in ſolemn Form of Law, by good and ſufficient Witneſſes, and to ſhew good and ſufficient Cauſe (if any he knows or hath) why the ſaid pretended Probate of the ſaid pretended Will ſhould not be revoked and declared to be null and void to all Intents and Purpoſes of Law whatſoever; and alſo why the ſaid pretended Will ſhould not be pronounced and declared to be null and void to all Intents and Purpoſes in Law whatſoever, and the ſaid Deceaſed pronounced and declared to have died Inteſtate, (without making any Will) and alſo to exhibit and leave in the Regiſtry of the ſaid Court, a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to his Hands, Poſſeſſion and Knowledge, by Virtue of his corporal Oath, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of *D. D.* (Wife of *E. D.*) the Niece by the Brother, and next of kin of the ſaid Deceaſed; and whatſoever ye ſhall do, or cauſe to be done, in the Premiſſes, ye ſhall duely certify us, our Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of —— in the Year of our Lord ——.

A Subſtitution from a Proctor appointing a Perſon to act for him.

KNOW all Men by theſe Preſents, That I *A. B.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, having (among other Things in my original Proxy made and given to me by *R. S.* which I, as lawful Proctor for him, have exhibited into the Regiſtry of ——) a full and general Power to ſubſtitute and appoint any Perſon or Perſons, Proctor or Proctors for me, and in my Name, Place and Stead, when and as often as I ſhall think it proper or expedient ſo to do, or as Occaſion ſhall require, do therefore hereby ſubſtitute and appoint *C. D.* and *D. E.* Notaries Publick, and Procurators General of the Arches Court of *Canterbury*, jointly and ſeverally for me, and in my Name, Place and Stead, to expedite and do all and ſingular ſuch Acts, Matters and Things whatſoever as may or ſhall by Law be requiſite and neceſſary to be done for and on the Behalf of the ſaid *R. S.* in as full and ample Manner and Form, as I my ſelf might or could do, by Virtue of ſuch my original Proxy, if I were perſonally preſent; and I do hereby promiſe to ratify and confirm all and whatſoever my ſaid Subſtitutes, or either of them, ſhall lawfully do, or cauſe to be done, in and touching the Premiſſes. In *Witneſs* whereof I have hereunto put my Hand and Seal this —— Day of —— in the Year of our Lord ——

A. B.

A

A Proxy appointing a Proctor to appear and give a Negative Iſſue to a pretended Will.

KNOW all Men by theſe Preſents, That we *A. B.* and *C. D.* the ——— and next of Kin of *R. G.* late of the Pariſh of —— in the County of ——— Eſq; deceaſed, do hereby conſtitute and appoint *D. E.* one of the Procutors General of the Arches Court of *Canterbury*, to appear before the Right Worſhipful *R. B.* Doctor of Laws, Judge of the —— Court of ——— his Surrogate, or any other competent Judge in this Behalf, and to oppoſe and give a Negative Iſſue to the pretended laſt Will and Teſtament of the ſaid Deceaſed, wherein it is pretended, that *O. P.* is made Executor; and to oblige the ſaid *O. P.* to prove the ſaid Will by good and lawful Witneſſes, and to do every Thing that ſhall be needful and neceſſary to be done for us, until a definitive Sentence ſhall be pronounced for or againſt the Validity of the ſaid Will; and we do hereby promiſe to allow for firm and valid, all and whatſoever our ſaid Proctor ſhall lawfully do, or cauſe to be done for us, in and touching the Premiſſes. In *Witneſs* whereof we have hereunto put our Hands and Seals the —— Day of —— in the Year of our Lord ——

Signed and ſealed, &c. *A. B.*
C. D.

An Act of Court upon chooſing and appointing of a Guardian to receive a Legacy.

On — the — Day of — in the Year of our Lord —— before the Worſhipful *R. C.* Doctor of Laws, Surrogate of the Right Worſhipful *R. B.* alſo Doctor of Laws, —— of the —— Court of —— lawfully appointed in the Preſence of the Notary Publick under-written.

A Buſineſs of Electing and Aſſigning *R. R.* Curator or Guardian, to all Intents and Purpoſes in Law whatſoever, to *A. C.* and *E. C.* Minors, Legatees named in the laſt Will and Teſtament of *L. C.* late of the Pariſh of —— in the County of —— deceaſed. Upon which Day appeared perſonally the ſaid *A. C.* and *E. C.* and alledged, that the ſaid Deceaſed whilſt living, and being of found Mind, Memory and Underſtanding, made his laſt Will and Teſtament in Writing, and therein and thereof did conſtitute and appoint the ſaid *R. R.* and *S. S.* his Executors, and afterwards departed this Life; that after his Death, to wit, upon the —— Day of —— in the Year of our Lord —— the ſaid *R. R.* and *S. S.* proved the ſaid Will in common Form of Law in the —— Court of —— that the ſaid Deceaſed did in and by his ſaid Will (among other Things) give and deviſe to them the ſaid *A. C.* and *E. C.* a Legacy reſpectively in

in the Words following, (to wit, (*a*) —— as in and by the ſaid Will (Relation being thereunto had) may more fully and at large appear; and the ſaid *A. C.* and *E. C.* further alledge, that they are reſpectively in their Minorities, to wit, the ſaid *A. C.* of the Age of eleven Years, and *E. C.* above the Age of eight Years, but reſpectively under the Age of Twenty-one Years, and thereby incapable of demanding, ſuing, recovering or receiving the ſaid Legacies ſo deviſed to them as aforeſaid, or of giving in their own Names ſufficient or proper Receipts or Diſcharges in Law to the ſaid *S. S.* for the ſaid Legacies, wherefore they made choice of the ſaid *R. R.* to be their Curator or Guardian to all Intents and Purpoſes in Law, and more eſpecially to the Intent of demanding, ſuing, recovering and receiving the ſaid Legacies given in and by the ſaid Will, as alſo of giving proper Receipts or Diſcharges in Law for their Uſe and Benefit, upon Delivery or Payment of the ſaid Legacies, and prayed him ſo to be aſſigned accordingly; whereupon the ſaid *R. R.* (being then preſent in Judgment) accepted of the ſaid Guardianſhip, wherefore he prayed, and the ſaid Surrogate, at his Petition, aſſigned him Guardian to *A. C.* and *E. C.* the Minors and Legatees aforeſaid, to all Intents and Purpoſes in Law whatſoever, and more eſpecially for the Ends and Purpoſes before recited, and thereupon decreed Letters Teſtimonial to be granted.

(*a*) Recite the Legacy *verbatim* as in the Will.

This I atteſt,

R. C. Notary Publick.

A Declaration inſtead of an Inventory of the Goods, Chattels and Credits of J. W. *late of the Pariſh of —— in the County of —— but in the Merchant Ship —— deceaſed, which ſince his Death have come to the Hands, Poſſeſſion or Knowledge of* E. W. *Widow, the Relict and ſole Executrix named in the laſt Will and Teſtament of the ſaid deceaſed.*

THIS Exhibitant declares that the ſaid Deceaſed belonged to the ſaid Ship the — and that at the Time of his Death there was and is (as this Exhibitant is inform'd and believes) the Sum of —— Pounds due to the ſaid Deceaſed for Wages for his Service on board the ſaid Ship; but this Exhibitant declares, that ſhe is inform'd that the ſaid Deceaſed was indebted to ſeveral Officers, and other Perſons on board the ſaid Ship, in ſeveral Sums of Money, but in how much to all or any of the ſaid Perſons ſhe cannot particularly ſpecify, but whatever ſhall remain and be received by this Exhibitant from the Owners of the ſaid Ship, upon Ballance of Accounts between the ſaid Perſon or Perſons, when ſhe receives the Wages, ſhe will be accountable for ſuch Part thereof as ſhe ſhall ſo receive.

This Exhibitant declares that ſhe knows of no other Goods, Chattels or Credits of the

the ſaid Deceaſed, other than as above by her ſet forth.

E. W.

—— Day of —— the ſaid *E. W.* was ſworn, *&c.*

An Act of Court upon objecting to ſome Particulars omitted in an Inventory, and praying a further Inventory.

O. againſt *P.* } —— Day of —— *&c.*
L. *R.* }

ON which Day *R.* brought in an Inventory of the Goods, Chattels and Credits of *B. P.* upon the Oath of his Client *A. P.* and prayed his ſaid Client to be diſmiſſed in the Preſence of *L.* diſſenting and alledging, that the ſaid *A. P.* hath omitted out of the ſaid Inventory of the Goods, Chattels and Credits of her Huſband *B. P.* deceaſed, ſeveral and divers Goods and Chattels, and the Value of them, which were Part of the Perſonal Eſtate of the ſaid *B. P.* at the Time of his Death, and which ſince his Death have come to her Hands, Poſſeſſion or Knowledge, and with which the ſaid *A. P.* ought by Law to charge herſelf, or at leaſt to ſet forth the ſame particularly in her Inventory; and the ſaid *L.* doth alledge, that the ſaid *A. P.* hath not ſet forth in her ſaid Inventory the Arrears of Rent which were due to the ſaid *B. P.* at the Time of his Death, and the Particulars of them, and from whom due,

due, nor the particular Quantities or Value of the ſeveral Sorts of ——— Wares mentioned in the ſaid Inventory, nor what Intereſt was due to the ſaid Deceaſed at the Time of his Death, upon the Bond for—— Pounds from the Reverend Mr. *B. K.* Rector of —— in the County of —— and likewiſe upon the Bond for ——— Pounds from Sir *H. H.* Bart. of —— Hall in the County of —— ſeverally mentioned in the ſaid Inventory; and alſo hath not ſet forth in the ſaid Inventory what Dividend or Dividends was or were due to the ſaid *B. P.* at the Time of his Death upon the ——— Pounds Capital Bank Stock in the Name of *B. J.* mentioned in the ſaid Inventory, nor what *South-Sea* Stock and *South-Sea* Annuities, and how much in particular of each was at the Time of the Death of the ſaid *B. P.* in the Name of her the ſaid *A. P.* or in the Name of any Perſon or Perſons in Truſt for her, nor what Dividend or Dividends was or were due upon ſuch *South-Sea* Stock or *South-Sea* Annuity Stock, at the Time of the Death of the ſaid *B. P.* and alſo hath not ſet forth what particular Debts were due and owing to the ſaid *B. P.* ſet down and entered in his Shop-Books, wherefore the ſaid *L.* prayed, that the ſaid *A. P.* may be compelled by due Courſe of Law to exhibit a further Inventory upon her Oath, and therein particularly ſet forth all ſuch Arrears of Rent which were due at the Time of the Death of the ſaid *B. P.* from all his real Eſtates, as alſo the ſeveral and particular Quantities, and reſpective Values of

the

the ſaid ſeveral —— Wares, mentioned in the ſaid Inventory at the Time of the Death of the ſaid Deceaſed, as alſo to ſet forth the Dates of the two aforementioned Bonds for —— and —— Pounds, with what Intereſt was due and owing at the Time of the Death of the ſaid Deceaſed from ſuch Bonds, and each of them, and from what Time ſuch Intereſt commenced, as alſo what Dividend or Dividends was or were due at the Time of the Death of the ſaid Deceaſed, upon the ſaid —— Pounds Capital Bank Stock, as alſo what particular *South-Sea* Stock and *South-Sea* Annuity Stock, and how much of each Stock was in the Name of the ſaid *A. P.* or in any other Name, in Truſt for her, at the Time of the Death of the ſaid *B. P.* as alſo to ſet forth the particular Debts due and owing to the Deceaſed at the Time of his Death, which are ſet down and entered in his Shop Books, as alſo ſuch other Sum and Sums of Money, Bonds, Bills, Notes, Mortgages, Securities for Money, or other Effects whatſoever belonging to the ſaid Deceaſed at the Time of his Death, which have come to the Poſſeſſion, Power or Knowledge of the ſaid *A. P.* or of any other Perſon or Perſons to or for her Uſe, or in Truſt for her, not already mentioned in the ſaid Inventory, given upon the Oath of the ſaid *A. P.*

A Declaration inſtead of a further Inventory of all and ſingular the Goods, Chattels and Credits of B. P. *late of the Pariſh of —— in the County of —— deceaſed, which ſince his Death have come to the Hands, Poſſeſſion and Knowledge of* A. P. *Widow, the Relict and ſole Executrix named in the laſt Will and Teſtament of the ſaid Deceaſed, made by her as follows, to wit,*

FIRST, this Exhibitant refers herſelf to her former Inventory made and exhibited into this Court on or about the —— Day of —— laſt paſt, upon Oath, and now remaining in the Regiſtry thereof; and declares that ſhe knows of no other Goods, Chattels and Credits of or belonging to the ſaid Deceaſed whatſoever, than what are ſet forth and contained in the ſaid Inventory; ſaving, *&c.*

A. P.

—— Day of —— the ſaid *A. P.* was ſworn, *&c.*

An Act of Court on Electing and Aſſigning a Guardian, in order to cite the Executors of a Will to accept or refuſe the Execution thereof, to exhibit an Inventory upon Oath, and to ſue for Legacies for Minors.

On —— the —— Day of —— *&c.*

A Buſineſs of Electing and Aſſigning *W. B.* Curator or Guardian, to all Intents and Purpoſes in Law whatſoever, to *M. B. A. B.* and *E. B.* Minors, three of the Reſiduary Legatees named in the Teſtament or laſt Will in Writing of *W. W.* late of —— in the County of ——Gentleman, deceaſed, and more eſpecially to the End of commencing a Suit againſt *J. W.* and *J. T.* Executors named in the ſaid Will to compel them to accept or refuſe the Execution thereof, and to exhibit an Inventory of the Effects of the ſaid Deceaſed upon their Oaths, and alſo to the Intent of ſuing for, recovering and receiving all and every the Legacies given and bequeathed to the ſaid Minors by Virtue of the ſaid Will of the ſaid Deceaſed.

Upon which Day, Time and Place, appeared perſonally the ſaid *M. B. A. B.* and *E. B.* Minors aforeſaid, and alledged, that the ſaid Deceaſed whilſt he was of ſound Mind, Memory and Underſtanding, made his laſt Will and Teſtament in Writing, bearing Date the — Day of —— and therein and thereof did conſtitute and appoint the ſaid *J. W.* and *J. T.* Executors, and afterwards departed this Life; that they the ſaid Executors have not taken upon them the Execution

of the ſaid Will, and that they the ſaid *M. B.* *A. B.* and *E. B.* were and are three of the Reſiduary Legatees named in the ſaid Will of the ſaid Deceaſed, but are reſpectively in their Minorities, to wit, the ſaid *M. B.* of the Age of ——— Years, the ſaid *A. B.* of the Age of —— Years, and *E. B.* aforeſaid is of the Age of —— Years, but reſpectively under the Age of Twenty-one Years, and thereby incapable, according to Law, of commencing a Suit in their own proper Names againſt the ſaid Executors, to oblige them to accept or refuſe the Execution of the ſaid Will, and to exhibit a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to their Hands, Poſſeſſion or Knowledge, by Virtue of their corporal Oaths, and to ſue for, recover and receive the Legacies given and bequeathed to them as aforeſaid by Virtue of the ſaid Will; wherefore they reſpectively made choice of the ſaid *W. B.* to be their Curator or Guardian to all Intents and Purpoſes in the Law whatſoever, and more eſpecially to the Effect of commencing a Suit, and proſecuting the ſame againſt the ſaid *J. W.* and *J. T.* the Executors aforeſaid, in order to oblige them to accept or refuſe the Execution of the ſaid Will, and to exhibit, by Virtue of their corporal Oaths, a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, and alſo to ſue for, recover and receive for their Uſes all and every the Legacies given and bequeathed to them reſpectively by

Virtue of the ſaid Will; whereupon they prayed, and the Judge, at their Petitions, admitted and aſſigned the ſaid *W. B.* to be their Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to the Intents and Purpoſes before recited; at which Time the ſaid *W. B.* was preſent in Judgment, and accepted of the Tuition and Guardianſhip of the ſaid Minors, and the Judge thereupon decreed Letters Teſtimonial to be granted.

An Act of Court upon exhibiting an Affidavit of all Scripts and Scrolls, upon the Admiſſion of an Allegation, praying a Decree for Anſwers, and a Compulſory againſt Witneſſes.

—— Seſſion of —— Term, to wit, ——
the —— Day of ——

R. againſt *M.*
W. *B.*

UPON the Admiſſion of an Allegation given by *B.* a Copy thereof being delivered three Days before this Day, *B.* is aſſigned to exhibit an Affidavit, with all Scripts and Scrolls, on the Oath of his Client, and the Certificate is continued.

Upon which Day *B.* exhibited an Affidavit, with all Scripts and Scrolls, upon the Oath of his ſaid Client, and prayed the ſaid Allegation to be admitted in the Preſence of *W.* diſſenting thereto, and alledg-

ing, that the ſaid Allegation is not concludent in Law, and ought not by Law to be admitted, and praying the ſame to be rejected, and Right and Juſtice to be done to his Client; whereupon the Judge, at the Petition of *B.* admitted the ſaid Allegation, and decreed the ſaid *S. R. W.*'s Client, to be cited at the ſaid *W.*'s Office, to appear in (*here ſpecify the Place of Appearance*) on —— the —— Day of ——— between the Hours of —— and — in the —— noon of the ſame Day, to give his Anſwers, by Virtue of his corporal Oath, to the Poſitions or Articles of the ſaid Allegation, under Pain of the Law, and Contempt thereof; this being done, the ſaid *B.* alledged that *E. F. G. H.* and *J. K.* were and are Witneſſes very neceſſary to prove the Contents of the ſaid Allegation, who having been offered their neceſſary Expences, have and do ſtill refuſe to come and give their Teſtimony of the Truth of what they know in the aboveſaid Cauſe, unleſs by Law compelled thereto; therefore the ſaid *B.* prayed, and the Judge, at his Petition, decreed the ſaid *E. F. G. H.* and *J. K.* to be cited to appear on the Day, Time and Place, and to the Effect aforeſaid, under Pain of the Law, and Contempt thereof.

An Act of Court for an Inhibition and Monition.

— Seſſion of—Term, to wit—Day of—*&c.*

A Buſineſs of Appeal and Complaint of Nullity promoted by *J. P.* the —— and Curator or Guardian, lawfully aſſigned to all Intents and Purpoſes in Law whatſoever, to *J. P.* a Minor, the —— of *F. P.* late of —— in the County of —— Widow, deceaſed, againſt *H. B.* and *W. B.* the —— and pretended Executors named in the ſaid pretended Will of the ſaid Deceaſed. Upon which Day *G.* exhibited his Proxy for the ſaid *J. P.* and made himſelf a Party for him, and alledged, that he hath in due Time and Place appealed from certain Grievances, Nullities, Iniquities, Injuſtices and Injuries done and inflicted by the Worſhipful *E. W.* Doctor of Laws, (*here inſert the Titles of the Judge*) of the Right Reverend Father in God *H.* by Divine Permiſſion Lord Biſhop of —— lawfully appointed in a certain Teſtamentary Buſineſs, or proving by Witneſſes the Teſtament or Teſtamentary Schedule of the ſaid *F. B.* Widow, deceaſed, which was lately depending before him in Judgment, between the aforeſaid *H. B.* and *W. B.* the —— and Executors named in the ſaid pretended Will, or ſaid Teſtamentary Schedule, of the ſaid Deceaſed, the Parties promoting the ſaid Buſi-

neſs on the one Part, and the ſaid *J. P.* the —— and Guardian, lawfully appointed to all Intents and Purpoſes in Law whatſoever, to the ſaid *J. P.* a Minor of the ſaid Deceaſed, the Party againſt whom the ſaid Buſineſs is promoted, on the other Part, and more eſpecially from a certain pretended definitive Sentence read and promulged in the ſaid Buſineſs by and on the Part and Behalf of and in Favour of the ſaid *H. B.* and *W. B.* and againſt the ſaid *J. P.* and every Thing that may or ſhall ariſe or follow therefrom to the —— Court of —— and to the ——— thereof; whereupon the ſaid *G.* prayed, and the Judge, at his Petition, decreed the Worſhipful *E. W.* aforeſaid, Doctor of Laws, the Judge from whom the ſaid Cauſe or Buſineſs is appealed, and his Regiſter or Actuary, and alſo the aforeſaid *H. B.* and *W. B.* in ſpecial, and all others in general, to be inhibited from doing, or cauſing any Thing to be done to the Prejudice of the ſaid *J. P.* or to his Cauſe of Appeal, now depending in the ſaid Court; and alſo decreed the ſaid *H. B.* and *W. B.* to be cited to appear in (*here mention particularly the Place of Appearance*) and Place of Judicature there, upon the ſixth Day after they ſhall be inhibited and cited as aforeſaid, if it be a Court-Day, otherwiſe on the Court-Day next immediately following, at the uſual Hours of hearing Cauſes, and doing Juſtice there, then and there to anſwer to the ſaid *J. P.* in his ſaid Cauſe of Appeal; and the Judge alſo, at the further Petition of *G.* decreed the ſaid Right Worſhipful *E. W.*

Doctor

Doctor of Laws, his Surrogate or Surrogates, and his Regiſter or Actuary, to be moniſhed to tranſmit, or cauſe to be tranſmitted, into the Regiſtry of the ſaid Court of Arches, the whole and intire Proceſs of the ſaid Judge from whom the ſaid Cauſe or Buſineſs is appealed as aforeſaid, under Pain of the Law, and Contempt thereof.

An Inhibition in a Cauſe of Appeal from the Admiſſion of an Allegation.

J. *B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed; To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout the whole — of — Greeting: Whereas on the Part and Behalf of *A. B.* Widow, it hath been alledged and ſhewn unto us, that in a certain Cauſe or Buſineſs depending in Judgment between the ſaid *A. B.* Widow, the Party Promovent on the one Part, and *J. R.* the Party againſt whom the ſaid Cauſe was promoted, on the other Part, which Cauſe is ſtill in Controverſy, and remains undetermined before the Worſhipful *T. B.* —— of the Right Reverend Father in God *R.* by Divine Permiſſion Lord Biſhop of ——— ſhe the ſaid *A. B.* apprehending herſelf to be greatly injured and aggrieved by certain Grievances, Nullities, Iniquities, Injuſtices and Injuries, as well of the ſaid Judge's pretended Office, as at the Inſtance, Inſtigation, Petition, Solicitation, Procurement and Perſuaſion of the

ſaid *J. R.* or his Party, by him the ſaid Judge, or his Surrogate, upon her the ſaid *A. B.* unduly and unjuſtly brought and inflicted, hath from the ſame, and every of them, and eſpecially upon the *Admiſſion of an Allegation, given in Writing in the ſaid Cauſe or Buſineſs on the Behalf of the ſaid* J. R. *which was not concludent in Law, or contained any Matter admiſſable by Law, and againſt and in Prejudice of the ſaid* A. B. and from all and every Thing from them enſuing, and from all and every other Grievances, Nullities, Iniquities and Errors in the Proceeding, and from all other Acts and Things illegally done, that may be collected from the pretended Proceedings of the ſaid pretended Judge, from whom this Complaint is brought to the —— Court of —— aforeſaid, and to us the ——— thereof, rightly and duely appealed, and of and concerning the Nullities and Iniquities of all and ſingular the Premiſſes, hath equally and alike principally alledged and complained: And whereas the Worſhipful *W. B.* Doctor of Laws, Surrogate of the ſaid Right Worſhipful *J. B.* alſo Doctor of Laws, rightly and duely proceeding, hath, at the Prayer of the Party of the ſaid *A. B.* (Juſtice ſo requiring) decreed the Inhibition and Citation here under-written: To you therefore, and every of you jointly and ſeverally, we commit, and ſtrictly injoining command that you inhibit, or cauſe peremptorily to be inhibited, the ſaid Worſhipful *T. B.* the pretended Judge aforeſaid, and his pretended Surrogate or Surrogates, and his Regiſter or Actuary, and the ſaid *J. R.* in ſpecial, and all others in general, who

The *Præfertim* of the Appeal.

who by Law in this Behalf are required to be inhibited; and all and every of them we do alſo inhibit and injoin, that they, or any or either of them, do not innovate or attempt, or cauſe or procure to be innovated or attempted, any Thing to the Prejudice of the ſaid *A. B.* the Party Appellant, or our Juriſdiction, pending this Buſineſs of Appeal and Complaint of Nullity, and ſo long as the ſame ſhall remain undecided before us, or our Surrogate, or ſome other competent Judge in this Behalf, ſo that the Party Appellant and Complainant this her Buſineſs of Appeal and Complaint of Nullity may have free Liberty and Power (as in Juſtice ſhe ought) to proſecute, under Pain of the Law, and Contempt thereof; and further that you cite, or cauſe to be cited peremptorily, the ſaid *J. R.* (*a*) to appear before us, or our Surrogate, or ſome other competent Judge in this Behalf, in (*here deſcribe in a particular Manner the Place of Appearance*) and Place of Judicature there, upon the —— Day after he ſhall be perſonally ſerved with this Citation, if it be a Court-Day, otherwiſe the Court-Day then next immediately following, at the uſual Hours of hearing Cauſes, and doing Juſtice there, then and there to anſwer to the ſaid *A. B.* Widow, in this her Cauſe or Buſineſs of Appeal and Complaint of Nullity, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and whatſoever you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify us, or our Surrogate, or ſome other

(*a*) If by Ways and Means, ſee *Citation by Ways and Means in a Cauſe of Defamation.*

competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— &c.

An Inhibition in the Court of Delegates upon an Appeal from Rejecting the Admiſſion of an Allegation.

GEorge the Second, by the Grace of God of *Great Britain*, *France* and *Ireland* King, Defender of the Faith; To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'out our Kingdom of *Great Britain*, Greeting: Whereas we have lately granted our Commiſſion under the Great Seal of *Great Britain*, of the Tenor following, to wit, (*a*) *George* the Second, by the Grace of God of *Great Britain*, *France* and *Ireland* King, Defender of the Faith, and ſo forth; To our well beloved in Chriſt Sir *E. P.* Knt. one of the Juſtices of our Court of King's Bench, appointed to be held before us Sir *J. C.* Knt. one of the Barons of our Exchequer, Sir *J. F. A.* Knt. one of the Juſtices of our Court of Common Pleas, *G. P. H. H. C. P. E. J.* and *W. B.* reſpectively, Doctors of Laws, Greeting: It being made known unto us in our High Court of Chancery of *Great Britain*, by an Appeal and Complaint made and interpoſed on the Part and Behalf of *D. J.* Eſq; the —— of *T. J.* late of ——— in the Pariſh of —— in the County of ——— Eſq; deceaſed, that he thinking himſelf to be very much injured and aggrieved by certain Grievances, Nullities, Iniquities, Injuſtices and Injuries done to

(*a*) The whole Commiſſion recited.

to and inflicted upon him by the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title or Titles of the Judge*) of the —— Court of — lawfully appointed, in a certain Cauſe or Buſineſs of proving by Witneſſes the pretended laſt Will and Teſtament of the ſaid *T. J.* lately depending before him in Judgment, between *B. J.* the natural and lawful Son, and pretended Executor named in the ſaid pretended Will, the Party promoting the ſaid Cauſe or Buſineſs, of the one Part, and him the ſaid *D. J.* the Party againſt whom the ſaid Cauſe or Buſineſs was promoted, on the other Part, as well by Virtue of his pretended Office, as at the unjuſt Inſtance, Inſtigation, Petition, Sollicitation or Procurement of the ſaid *B. J.* or his Proctor; and that the ſaid *D. J.* juſtly fearing that he might or ſhould be hereafter further injured and aggrieved thereby, hath therefore in due Time and Place appealed from them, and every of them, and more eſpecially from *Rejecting* (*a*), *and not admitting an Allegation in Writing, given in the ſaid Cauſe or Buſineſs, and prayed to be admitted on the Behalf of him the ſaid* D. J. and from every Thing that may or ſhall ariſe or follow therefrom, and had equally and principally complained of them, and every of them, unto our High Court of Chancery of *Great Britain*, and to us in the ſaid Court; and moreover had cauſed humble Supplication to be made unto us, that we would, out of our Royal Clemency, vouchſafe to grant him a ſuitable Remedy in this Behalf; we therefore being favourably inclined to ſuch his Supplication and Requeſt, and being willing

(*a*) The *Præſertim* of the Appeal.

willing and deſirous that Juſtice ſhould be fully and impartially adminiſtred in the Premiſſes, do hereby give Power unto you, on whoſe ſound Learning, Integrity of Mind, Dexterity and Skill in Buſineſs, we very much rely on this Behalf, and do charge and command you, that in all ordinary Acts to be expedited in the ſaid Cauſe or Buſineſs before the giving or pronouncing a definitive Sentence therein excluſively, you all, or at leaſt two of you, but that in the pronouncing or giving a definitive Sentence, you all, or at leaſt three of you, of whom we will and require, that you the aforeſaid Sir *E. P.* Knt. Sir *J. C.* Knt. and Sir *J. F. A.* Knt. or one of you, ſhall be preſent and conſenting thereto; and that you do in this Cauſe or Cauſes of Appeal and Complaint of Nullity, and in all Attempts ſince and againſt the ſame, or from any Perſon or Perſons whatſoever, and alſo the whole principal Cauſe or Buſineſs, together with all its Matters and Incidents whatſoever ariſing from, depending on, and adjoining to, or connected with the ſame, firſt convening before you in Judgment, the ſaid *B. J.* and all others who by Law ought to be ſo convened in this Behalf, proceed ſummarily and plainly, and without Clamour, or the ſtrict Formalities of the Law, conſidering only the Truth of Things, and regarding the mere Equity of the Caſe; and having heard all Things that have been, or ſhall be propounded on either Side, that ye do adjudge and decree what ſhall be juſt and equitable in the Premiſſes, and what ye ſhall ſo adjudge and decree, that you

you do, by all due Means and Methods of Law, cauſe to be firmly and fully obſerved in this Behalf; in Teſtimony whereof we have cauſed theſe our Letters to be made Patent. *Witneſs* ourſelf at *Weſtminſter* the —— Day of —— in the ——— Year of our Reign. And whereas our well beloved Sir *E. P.* Knt. one of the Juſtices of our Court of King's Bench, appointed to be held before us; Sir *J. C.* Knt. one of the Barons of our Exchequer, Sir *J. F. A.* Knt. one of the Juſtices of our Court of Common Pleas, *G. P. H. H. C. P. E. J.* and *W. P.* reſpectively, Doctors of Law, have accepted of the ſaid Commiſſion, and at the Petition of the Proctor of the ſaid *D. J.* have decreed an Inhibition and Citation to the Effect following, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly command you, jointly and ſeverally, that ye do inhibit, or cauſe to be inhibited, the aforeſaid Doctor *J. B.* the Judge from whom the ſaid Cauſe is appealed, and his Regiſter, and the ſaid *B. J.* in ſpecial, and all others in general, whom by the Tenor hereof we ſo inhibit, that they, nor either of them, (pending this Cauſe of Appeal and Complaint) do attempt to do, or cauſe to be attempted or done, any Thing to the Prejudice thereof, whereby the Party Appellant may be impeded in the Proſecution of ſuch Appeal as ſhall be juſt, under Pain of the Law; and that ye alſo cite, or cauſe to be cited peremptorily, the ſaid *B. J.* that he appear before our ſaid Judges Delegates, or their Condelegates, (*here ſpecify the Place where the Cauſe is heard*) and Place of

Here ends the Commiſſion.

The Inhibition follows.

of Judicature there, on the ſixth Day after he is ſerved herewith, if it be a Court-Day, otherwiſe the next Court-Day following, at the uſual Hours of hearing Cauſes, and doing Juſtice there, then and there to anſwer to the ſaid *D. J.* in his ſaid Cauſe of Appeal and Complaint, and further to do and receive what unto Law and Juſtice ſhall appertain; and what you ſhall do in the Premiſſes ye ſhall duely certify our Judges, Delegates, or their Condelegates, together with theſe Preſents. *Dated* under the Seal of the High Court of Delegates this ——— Day of —— in the —— Year of our Reign.

A Proxy appointing a Proctor to proſecute an Appeal in the High Court of Delegates.

WHereas a pretended definitive Sentence hath been lately read and promulged for the Validity of a pretended Will of *E. C.* late of ——— in the County of——— deceaſed, bearing Date the —— Day of——— from which there is an Appeal to his Majeſty in his High Court of Chancery, interpoſed on the Behalf of *A. C.* Widow, the — and only next of Kin of the ſaid Deceaſed: Now know all Men by theſe Preſents, that I the ſaid *A. C.* do hereby conſtitute and appoint *R. B.* one of the Procurators General of the Arches Court of *Canterbury*, to be my Proctor, and do authorize him, for me and in my Name, to proſecute my ſaid Appeal, and to get a Commiſſion

miſſion of Appeal, iſſued under the Great Seal, and to cauſe *H. B.* Eſq; the pretended Executor and Reſiduary Legatee named in the ſaid pretended Will, to be cited to appear before the Judges Delegates, who ſhall be appointed by the ſaid Commiſſion to hear and determine the Merits of my ſaid Appeal, and to anſwer to me in my ſaid Cauſe of Appeal; and further to do all other Acts needful and neceſſary to be done for me, and on my Behalf, in my ſaid Cauſe of Appeal, until a definitive Sentence ſhall be given therein; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctor ſhall do, or cauſe to be done for me, in and touching the Premiſſes. In *Witneſs*, &c.

An

An Act of Court on warning a Caveat againſt proving a Will, and praying a Commiſſion of Appraiſement.

On —— the —— Day of ——- &c.

A Buſineſs of proving in common Form of Law the laſt Will and Teſtament of *G. W.* late of the Pariſh of —— in the County of —— deceaſed, promoted by *M. G.* the ſole Executrix named in the ſaid Will, againſt *C. S.* a Creditor of the ſaid Deceaſed by Judgment.

C. *H.*

Which Day *C.* exhibited his Proxy for the ſaid *M. G.* and made himſelf a Party for her, and alledged, that the ſaid Deceaſed, lately departed this Life, but before his Death duely made his laſt Will and Teſtament in Writing, and did thereof nominate, conſtitute and appoint his Client the ſaid *M. G.* ſole Executrix; wherefore the ſaid *C.* prayed a Probate of the ſaid Will to be decreed to Iſſue under Seal of this Court, in common Form, in the Name of his ſaid Client, in the Preſence of *H.* who exhibited his Proxy for the ſaid *C. S.* Eſq; and made himſelf a Party for him, diſſenting, and alledging, that his ſaid Client is a Creditor of the ſaid Deceaſed in the Sum of —Pounds of lawful Money of *Great Britain*, by Judgment; wherefore he prayed, and the Judge (at his Petition) did decree a Commiſſion to iſſue forth for taking an Inventory, and valuing and making an Appraiſement of the

Goods, Chattels, Rights and Credits of the ſaid Deceaſed, and for inſpecting of the Bonds, Leaſes, Accounts and Books of Account, and all other Writings and Papers whatſoever relating to the Perſonal Eſtate of the ſaid Deceaſed, and did order the ſame to be directed to *E. U. G. P. O. A. C. D. R. H.* and *J. L.* Commiſſioners named by the ſaid *H.* as alſo to *R. F.* Eſq; *H. H. J. M. E. H. R. V.* and *H. K.* Commiſſioners named by the ſaid *C.* or to any two or more of them, and did appoint the ſame to be executed on the ——— reſpective Days of —— at the late Dwelling-houſe or Habitation of the ſaid Deceaſed, or at any other Place where any of the ſaid Deceaſed's Goods, Chattels or Credits are or remain, with Power of Continuation or Prorogation thereof to any other Time and Place, as need ſhall require, or to the ſaid Commiſſioners ſhall ſeem meet, and did decree the ſaid *M. G.* in ſpecial, and all others in general, that have any of the ſaid Deceaſed's Goods or Effects, Books, Writings or Papers whatſoever, that may or do any ways concern or relate to the Perſonal Eſtate of the ſaid Deceaſed, in their Power, Cuſtody or Poſſeſſion, to be moniſhed and cited to produce and ſhew, or cauſe to be produced and ſhewn to the ſaid Commiſſioners, at the Time of executing the ſaid Commiſſion, all and ſingular ſuch Goods, Chattels and Credits of the ſaid Deceaſed, and all ſuch Books, Bonds, Leaſes, Papers and Writings whatſoever, that may or do any ways relate to or concern the Perſonal Eſtate of the ſaid Deceaſed, and are in their

their Power, Cuſtody or Poſſeſſion, in order that the ſame may be duely valued and appraiſed, and reduced into an Inventory of the ſaid Deceaſed's Perſonal Eſtate, under Pain of the Law, and Contempt thereof; and at the Petition of *C.* aſſigned the ſaid *H.* to exhibit an Affidavit of his Client's Debt, and to extract the ſaid Commiſſion in a Week, and to return the ſame, together with the Proceedings had thereon, on or before the ——— Seſſion of ——— Term next enſuing; and in Caſe the ſaid Commiſſion is not extracted within the Time aſſigned, did decree the Probate to paſs to the ſaid *C.*'s Client, and in Caſe the ſaid *C.* did not name Commiſſioners, did, at the Petition of the ſaid *H.* decree the ſaid Commiſſion to go out, directed to the Commiſſioners named by the ſaid *H.* only.

An Act of Court for a Commiſſion to ſwear an Executor.

On —— the ——— Day of ——— in the Year of our Lord ——— *&c.*

A Buſineſs of proving in common Form the laſt Will and Teſtament of *A. B.* late of —— in the County of —— deceaſed, promoted by *E. F.* the ſole Executor named in the laſt Will and Teſtament of the ſaid Deceaſed.

Upon which Day *W.* exhibited his Proxy for the ſaid *E. F.* and made himſelf a Party for him, and alledged, that the ſaid Deceaſed whilſt living, and of ſound Mind, Memory and Underſtanding, made his laſt Will and Teſtament in Writing, and thereof appointed his ſaid Party ſole Executor, and afterwards, to wit, ——— Months ſince, departed this Life; and that his ſaid Party lives in remote Parts, wherefore he prayed, and the ſaid Surrogate, at his Petition, decreed a Probate of the ſaid Will to iſſue under the Seal of this Court, in the Name of his ſaid Party, as alſo a Commiſſion to iſſue out as aforeſaid, for receiving and taking the Oath of his ſaid Party, as well concerning the Truth of the ſaid Will, as alſo of his true and faithful Performance

thereof as Executor, * to be directed to the Reverend *A. B.* and *C. D.* Clerks, reſpectively reſiding in or near the ſaid County of —— jointly and ſeverally.

This I atteſt,

R. C. Notary Publick.

* Note; *If any Affidavit is required to be annexed to the Commiſſion to prove the Will to be of the Deceaſed's Hand-writing, inſert the Words following:* As alſo a Clauſe to be inſerted therein for the receiving and taking the Oaths of two credible Perſons, to depoſe that the ſaid Will is all of the proper Hand-writing of the ſaid Deceaſed.

An Act of Court upon an Executor's Perſonal Renunciation of the Execution of a Will.

On — the —— Day of —— in the Year of our Lord —— before the Worſhipful *R. C.* Surrogate in —— preſent the Notary Publick under-written.

A Buſineſs of renouncing the Burden of the Execution of the laſt Will and Teſtament of *A. B.* late of the Pariſh of —— in the County of —— deceaſed, made by *E. F.* the ſole Executor named in the laſt Will and Teſtament of the ſaid Deceaſed.

Upon which Day appeared perſonally the ſaid *E. F.* and alledged that the ſaid Deceaſed whilſt he was living, and of ſound Mind, Memory and Underſtanding, made his laſt Will and Teſtament in Writing, and therein and thereof nominated, conſtituted and appointed him the ſaid *E. F.* ſole Executor, and afterwards departed this Life; and that for divers good Cauſes and Conſiderations him thereunto ſpecially moving, he doth expreſly hereby renounce the Burden of the Execution of the ſaid Will; wherefore he prayed, and the ſaid Surrogate did, at his Petition, (he being firſt ſworn concerning the Truth of the ſaid Will, as alſo that he hath not intermeddled, nor doth intend to intermeddle, with any Part of the ſaid Deceaſed's Effects, and doth renounce the

Execution of the ſaid Will, without any View of Fraud or Colluſion in this Behalf) admit this his Renunciation, as far as by Law it may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted.

This I atteſt,

B. D. Notary Publick.

A Proxy of Renunciation of an Executorſhip.

KNOW all Men by theſe Preſents, That I *A. B.* the ſole Executor named in the laſt Will and Teſtament of *C. D.* late of the Pariſh of ——— in the County of—deceaſed, for divers good Cauſes and Conſiderations me hereunto ſpecially moving, do hereby renounce the Burden of the Execution of the ſaid Will, and to the End that this my Renunciation may have its due Effect in Law, I do hereby nominate, conſtitute and appoint *A. W.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, to be my true and lawful Proctor for me, and in my Name to appear before the Right Worſhipful *J. B.* Doctor of Laws, —— of the —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Proxy of Renunciation of the Execution of the ſaid Will as aforeſaid, and to pray the ſame to be admitted and enacted; and I do hereby promiſe to allow

allow for firm and valid, all and whatſoever my ſaid Proctor ſhall lawfully do, or cauſe to be done for me, and in my Name, in and touching the Premiſſes. In *Witneſs* whereof I have hereunto ſet my Hand and Seal the —— Day of —— in the Year of our Lord ——

A. B.

Signed and ſealed by the ſaid *A. B.* (being firſt duely ſtamp'd according to Act of Parliament) in the Preſence of us

R. R.
O. P.

An Act of Court upon exhibiting the Proxy of Renunciation of an Executorſhip.

On —— the —— Day of —— *&c.*

A Buſineſs of Renouncing the Burden of the Execution of the laſt Will and Teſtament of *A. B.* late of —— in the County of —— deceaſed, made by *E. F.* the ſole Executor named in the laſt Will and Teſtament of the ſaid Deceaſed.

W.

Upon which Day *W.* exhibited his ſpecial Proxy under the proper Hand and Seal of the ſaid *E. F.* and made himſelf a Party for him, and alledged, that the ſaid Deceaſed whilſt he was of ſound Mind, Memory and Underſtanding, made

made his laſt Will and Teſtament in Writing, and thereof nominated and appointed his ſaid Party ſole Executor, and afterwards departed this Life; and that his ſaid Party, for divers good Cauſes and Conſiderations him thereunto ſpecially moving, hath, by Virtue of the ſaid ſpecial Proxy, renounced the Execution of the ſaid Will, as in and by the ſaid ſpecial Proxy before exhibited (to which the ſaid *W.* refers himſelf) may more fully and at large appear; wherefore the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, admitted the ſaid ſpecial Proxy and Renunciation as aforeſaid, as far as by Law may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted.

This I atteſt,

R. O. Notary Publick.

An

An Act of Court upon granting a Monition againſt the Regiſter of an inferior Juriſdiction to tranſmit an Original Will, the ſame being erroneouſly proved therein, in order to prove it in the Prerogative Court in common Form.

On the —— Day of —— *&c.*

A Buſineſs of bringing in and leaving in the Regiſtry of the Prerogative Court of —— the true Original laſt Will and Teſtament of *T. A.* Clerk, late Rector of —— in the County of —— deceaſed, and alſo of proving the ſame in common Form of Law, promoted by *J. A.* and *J. H.* the Executors named in the ſaid Will.

G.

Upon which Day *G.* exhibited his Proxy, and made himſelf a Party for the ſaid *J. A.* and *J. H.* and alledged, that the ſaid Deceaſed, whilſt he was of ſound Mind, Memory and Underſtanding, made his laſt Will and Teſtament in Writing, and thereof nominated and appointed his ſaid Parties Executors, and afterwards departed this Life, leaving behind him Goods, Chattels and Credits in divers Dioceſes or Juriſdictions, ſufficient to found the Juriſdiction of the Prerogative Court aforeſaid; and after his Death, that his ſaid Parties (by Error) proved the ſaid Will in the —— Court at —— where-

upon the ſaid *G.* prayed, and the ſaid Surrogate did, at his Petition, decree the Worſhipful *H. R.* Doctor of Laws, —— of the Right Reverend Father in God *J.* by Divine Permiſſion Lord Biſhop of —— and his Regiſter or Actuary in ſpecial, and all others in general, in whoſe Cuſtody, Power or Poſſeſſion the ſaid Original Will of the ſaid Deceaſed may or doth remain to be moniſhed, to tranſmit, or cauſe to be tranſmitted, the ſaid Original Will into the Regiſtry of the Prerogative Court aforeſaid, on or before —— the —— Day of —— under Pain of the Law, and Contempt thereof.

A Monition for the aforeſaid Act.

W. By Divine Providence Archbiſhop of —— *&c.* To all and every Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Province of —— Greeting: Whereas the Worſhipful *J. A.* (*a*) Doctor of Laws, Surrogate of the Right Worſhipful *J. B.* alſo Doctor of Laws, —— of the Prerogative Court of —— lawfully appointed in a certain Buſineſs of bringing in and leaving in the Regiſtry of the Prerogative Court aforeſaid the true Original laſt Will and Teſtament of *T. A.* late of —— in the County of —— deceaſed, [(*b*) having whilſt living, and at the Time of his Death, Goods, Chattels or Credits, in divers Dioceſes or peculiar Juriſdictions, ſufficient to found the Juriſdiction of the Prerogative

(*a*) If decreed by a Surrogate.

(*b*) The Style of the Prerogative Court.

tive Court of ———] and alſo of proving the ſaid Will in common Form of Law, promoted by *J. A.* and *J. H.* the Executors named in the ſaid Will, rightly and duely proceeding, hath, at the Petition of the Proctor of the ſaid *J. A.* and *J. H.* alledging, that the ſaid Original Will of the ſaid Deceaſed doth now remain in the Regiſtry of the —— Court at —— interpoſed his Decree for the Tranſmiſſion of the ſaid Original Will of the ſaid Deceaſed, (Juſtice ſo requiring;) We do therefore hereby ſtrictly injoin and command you, jointly and ſeverally, peremptorily to moniſh, or cauſe to be moniſhed, the Worſhipful *H. R.* Doctor of Laws, ——— of the Right Reverend Father in God *J.* by Divine Permiſſion Lord Biſhop of ——— and his Regiſter or Actuary in ſpecial, and all others in general, in whoſe Power or Cuſtody the ſaid Original Will of the ſaid Deceaſed may or doth remain, to tranſmit, or cauſe to be tranſmitted, the ſaid Original Will of the ſaid Deceaſed into the Regiſtry of the ſaid Prerogative Court of ——— on or before —— the —— Day of —— under Pain of the Law, and Contempt thereof; and whatſoever you ſhall do, or cauſe to be done in the Premiſſes, you ſhall duely certify our ——— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of —— in the Year of our Lord ——

An Act of Court upon Electing and Aſſigning a Guardian, by the Office of the Judge, to an Infant Executor; as alſo of granting Letters of Adminiſtration, with the Will annexed, for the Uſe of the Infant to the ſaid Guardian, and granting a Monition againſt the Regiſter of an inferior Juriſdiction for the Tranſmiſſion of the Original Will; and alſo for a Commiſſion to ſwear the Adminiſtrator.

On —— the —— Day of —— &c.

A Buſineſs of Electing and Aſſigning by the Judge's Office *J. S.* Curator or Guardian, to all Intents and Purpoſes in Law whatſoever, to *C. B.* an Infant, the natural and lawful Son of *C. B.* the Elder, late of the Pariſh of —— in the County of — deceaſed, and alſo ſole Executor named in the laſt Will and Teſtament of the ſaid Deceaſed, as alſo of granting Letters of Adminiſtration (with the ſaid Will annexed) of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed whilſt he was of ſound Mind, Memory and Underſtanding, made his laſt Will and Teſtament in Writing, and thereof did nominate the ſaid *C. B.* De-

Upon which Day *W.* exhibited his Proxy for the aforeſaid *J. S.* and made himſelf a Party for him, and alledged, that the

Deceaſed to *J. S.* aforeſaid, as Guardian, lawfully aſſigned to the ſaid Infant for his Uſe and Benefit, until he ſhall arrive to the Age of ſeventeen Years; as alſo of bringing in and leaving in the Regiſtry of the Prerogative Court of *Canterbury* the ſaid Original laſt Will and Teſtament of the ſaid *C. B.* the Elder, deceaſed, promoted by the ſaid *J. S.* the Guardian aforeſaid.

his natural and lawful Son, ſole Executor, and afterwards, to wit, on — the — Day of — departed this Life, leaving behind him ſeveral Goods, Chattels and Credits in divers Dioceſes or Juriſdictions ſufficient to found the Juriſdiction of the Prerogative Court of *Canterbury*, but that the ſaid *C. B.* the Executor aforeſaid, is an Infant, to wit, four Years of Age, and for that Reaſon is not a Perſon eſteemed capable in Law of chooſing a Guardian, or taking upon himſelf the Execution of the ſaid Will; wherefore the ſaid *W.* prayed, and the Judge, at his Petition, by Virtue of his Office, aſſigned the ſaid *J. S.* Curator or Guardian to the ſaid Infant, to all Intents and Purpoſes in Law whatſoever, but more eſpecially to the Effect of taking upon him the Letters of Adminiſtration (with the ſaid Will annexed) of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, for the proper Uſe and Benefit of the ſaid Infant, until he ſhall arrive at the Age of ſeventeen Years, and thereupon decreed Letters Teſtimonial to be granted; then the ſaid *W.* alledged, that his ſaid Party reſides in Parts remote from hence,

hence; wherefore the ſaid *W.* prayed, and the Judge, at his Petition, decreed Letters of Adminiſtration (with the ſaid Will annexed) of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, to be granted and committed to the ſaid *J. S.* as Guardian lawfully appointed to the ſaid Infant, for his proper Uſe and Benefit, until the ſaid Infant Executor ſhall arrive to the ſaid Age of ſeventeen Years, he the ſaid *J. S.* giving ſufficient Security for the ſame, and alſo decreed a Commiſſion to ſwear the ſaid *J. S.* as well concerning the Truth of the Premiſſes, as alſo well and truly to adminiſter the ſaid Goods, Chattels and Credits of the ſaid Deceaſed, for the Uſe and Benefit of the ſaid Infant, together with a Bond to be entered into and given by the ſaid *J. S.* together with two other Sureties, under a certain Penalty therein to be inſerted, for the Purpoſes aforeſaid, to be directed to the Reverend *A. B.* and *C. D.* Clerks, reſpectively reſiding in or near the County aforeſaid, jointly and ſeverally; which being done, the ſaid *W.* further alledged, that Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed (with his ſaid Will annexed) were by Error granted out of the —— Court of the Lord Biſhop of —— and that the ſaid Original Will now remains in the Regiſtry of the ſaid Court; wherefore the ſaid *W.* prayed, and the ſaid Judge, at his Petition, decreed the Worſhipful *R. V.* Doctor of Laws, —— of the Right Reverend Father in God —— by Divine Permiſſion Lord Biſhop of ——

his

his Regiſter or Actuary in ſpecial, and all others in general, in whoſe Power, Cuſtody or Poſſeſſion the ſaid Original Will of the ſaid *C. B.* the Elder, deceaſed, is or doth remain, to be moniſhed to tranſmit, or cauſe to be tranſmitted, the ſaid Original Will of the ſaid Deceaſed into the Regiſtry of the Prerogative Court aforeſaid, on or before the——Seſſion of——Term, under Pain of the Law, and Contempt thereof.

This I atteſt,

L. W. Notary Publick.

An Appeal from an inferior to a ſuperior Court, upon the Admiſſion of an Allegation.

IN the Name of God, *Amen:* Before you Notary Publick, approved and allowed by Authority and Witneſſes of good Faith and Credit here preſent, *J. E. G.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, do exhibit my Proxy for *A. S.* and make my ſelf a Party for her, with a Deſign to appeal from and complain of the Nullities, Iniquities and Injuſtices, Grievances and Errors in proceeding hereafter mentioned, and equally and alike principally complaining of them, and every of them, do by this Writing ſay, alledge, and in Law propound, that the Worſhipful *J. S.* Clerk, Maſter of Arts, one of the Commiſſaries of the Right Reverend Father

in

in God *R.* by Divine Permiſſion Lord Biſhop of —— for Eccleſiaſtical Affairs within the County of —— Part of the Dioceſe of —— in a certain Cauſe or Buſineſs of bringing in and leaving in the Regiſtry the pretended laſt Will and Teſtament of *R. Y.* late of —— in the County of —— and Dioceſe of —— deceaſed, bearing Date the —— Day of —— together with the pretended Probate thereof, unduly obtained by *J. R.* the pretended Executrix, named in the ſaid pretended Will, and declaring the ſaid pretended Will, together with the ſaid pretended Probate thereof, null, void and invalid, and ſhewing good and ſufficient Cauſe, why the true original laſt Will and Teſtament of the ſaid Deceaſed ſhould not be proved in the Name of *A. S.* Widow, the natural and lawful Siſter and Executrix named in the ſaid Will, and alſo of bringing in and exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, lately depending before him, between the aforeſaid *A. S.* the Party promoting the ſaid Cauſe or Buſineſs, of the one Part, and the ſaid *J. R.* the Party againſt whom the ſaid Cauſe or Buſineſs was promoted, on the other Part, unduly and unjuſtly proceeding therein, and (ſaving the Reverence due to him) favouring the Party of the ſaid *J. R.* more than by Law he ought to do, not in the leaſt regarding the juſt and requiſite Forms of Law, but againſt the ſaid *A. S.* acting in all Things nully and unjuſtly, as well by Virtue of his ſaid pretended Office, as at the unjuſt In-

tigation, Sollicitation and Procurement of the ſaid *J. R.* otherwiſe *S.* or her Proctor, did admit an Allegation in Writing, given in the ſaid Cauſe, on the Part and Behalf of the ſaid *J. R.* which was not concludent, and did not contain Matter admiſſible by Law, to the manifeſt Injury of Juſtice, and to the very great Detriment and Prejudice of the ſaid *A. S.* and to her Cauſe; wherefore I the ſaid *E. G.* conceiving the ſaid *A. S.* to be very much injured by the Grievances, Nullities, Iniquities, Injuſtices and Errors afore mentioned, and other pretended Acts and Facts of the ſaid pretended Judge, to be collected from the Proceeding in the ſaid Cauſe, do by theſe Preſents rightly and duly appeal from them, and every one of them, and more eſpecially from the admitting (*a*) of the ſaid Allegation, and from all and every Thing from thence enſuing, and all and ſingular other Grievances to be collected from the Acts and Facts of the ſaid pretended Judge, to the Court of —— and to the —— thereof, and do equally and alike principally complain of the Nullity, Iniquity, and all and ſingular the Premiſſes, and do three Times ſeverally and moſt earneſtly pray Letters dimiſſory in this Behalf to be made out and delivered to me, or to the ſaid *A. S.* my Party effectually; and I do proteſt that there are not ten, or at the moſt not fifteen Days, fully elapſed, ſince the Grievances afore mentioned were done to my Party, or at leaſt ſince they came to her knowledge, And that I willingly would have appealed in the Preſence of the Judge himſelf, if I could conveniently have

(*a*) The Grievance.

have ſo done; and laſtly I do proteſt and reſerve Power to myſelf of correcting and reforming this my Appeal and Complaint, by adding thereto, or ſubſtracting therefrom, and reducing them into a better and more competent Form, and of intimating the ſame to every Perſon, whom by Law I ought, as the Law ſhall require, and Counſel ſhall adviſe, at Time and Place convenient, according to Law, Stile and Cuſtom; upon all and ſingular which Premiſſes the ſaid *A. S.* required me, the Notary Publick hereunder written, to draw for her from thence one or more publick Inſtrument or Inſtruments, and the Witneſſes ſubſcribed to atteſt the ſame.

This Appeal was interpoſed on —— the —— Day of —— in the Year of our Lord —— in the Office of the ſaid *E. G.* in the Pariſh of ——— in the County of —— by the ſaid *E. G.* the Procurator aforeſaid, who then and there appeared, appealed, proteſted, prayed Letters dimiſſory, and did all Things as in the above-written Appeal is contained, there being then and there preſent with me the publick Notaries. Subſcribed *A. B. C. D.* literate Perſons, eſpecially required and deſired to teſtify the ſame.

This I atteſt,

E. G. Notary Publick.

Witneſſes } *A. B.* } *C. D.*

I *Note;*

Note; If the Grievance of an Appeal be from a Sentence given in the Court below, and condemning the Party in Coſts therein, uſe the Words following, to wit, Did in Fact, tho' unduly, read and promulge a pretended definitive Sentence in Writing, on the Behalf and in Favour of the ſaid *J. R.* and againſt the ſaid *A. S.* and ſtill adding worſe to bad, and accumulating Grievance upon Grievance, condemned the ſaid *A. S.* in Coſts of Suit, payable to the ſaid *J. R.* or her Proctor, to the manifeſt Injury of Juſtice, and to the no ſmall Prejudice of her the ſaid *A. S.* &c.

And more eſpecially from the ſaid pretended definitive Sentence, and from the ſaid pretended promulging thereof, and the pretended Condemnation of the ſaid *A. S.* in Expences.

The *Præſertim* of the Appeal recited.

Note; If the Appeal be from rejecting the Admiſſion of an Allegation, let the Words of the Grievance in ſuch Appeal run thus: That notwithſtanding my aforeſaid Client and Party Principal had in due Time and Place given in an Allegation in Writing, ſufficiently concludent in Law, and which by Law ought to have been admitted, and had ſeveral Times moſt earneſtly prayed and demanded, or required the ſaid Allegation to be admitted, and that Right and Juſtice might be effectually done and adminiſtred in that Behalf, and offered herſelf ready and willing to make Proof thereof inſtantly and without Delay, or at leaſt as ſoon as the Law ſhould require her ſo to do; and further, that ſhe was ready and willing to make Oath, that

ſhe had not propounded the ſame with any Deſign to protract or delay the Cauſe further than what was reaſonable and neceſſary, and that ſhe believed ſhe could prove the ſame; yet nevertheleſs the Judge aforeſaid, *&c.* rejected the ſaid Allegation, or at leaſt delayed to admit the ſame, and to do and adminiſter Juſtice longer than he ought to have done, to the manifeſt Injury of Juſtice, and ſo forth.

The *Præſertim* of the Appeal recited.

And more eſpecially from the Rejecting the ſaid Allegation, or the not admitting the ſame, or at leaſt the Delaying to admit the ſame longer than he ought to have done, and from his denying to do Juſtice in that Behalf, and ſo forth.

A Commiſſion of Appeal and Adjuncts.

GEorge the Second, by the Grace of God of *Great Britain*, *France* and *Ireland* King, Defender of the Faith; To our well beloved in Chriſt *A. B.* Greeting: We have lately granted our Commiſſion under the Great Seal of *Great Britain*, of the Tenor following, (to wit,) *George* the Second, by the Grace of God of *Great Britain*, *France* and *Ireland* King, Defender of the Faith; To our well beloved in Chriſt Sir *R. B.* Knt. *&c.* (*here inſert the Names and Titles of the Common Law Judges appointed in the Commiſſion*) and alſo to the Worſhipful *J. B. &c.* (*here inſert the Names of the Civil Law Judges appointed in the Commiſſion*) Doctors of Laws, reſpectively: It hath been made known unto us in our High Court

Court of Chancery of *Great Britain*, by the Appeal and Complaint made and interpoſed on the Behalf of our loving Subject *J. S.* that in a certain Cauſe depending in the —— Court of ——— before the Worſhipful *W. R.* the Judge of the ſaid Court, between *R. B. &c.* the Parties Promovent on the one Part, and *J. S.* the Party againſt whom the ſaid Cauſe was promoted, on the other Part; he the ſaid *J. S.* conceiving that he has been, and is aggrieved and injured by certain Grievances, Nullities, Injuſtices and Injuries, as well of the ſaid Judge's pretended Office, as at the Inſtance, Inſtigation, Petition, Procurement and Sollicitation of the ſaid *R. B.* or his Proctor, by the ſaid Judge, upon him the ſaid *J. S.* unduly brought and inflicted, and juſtly fearing he may be hereafter further injured and aggrieved thereby, hath from the ſame and every of them, and more eſpecially from (*here inſert the* Præſertim *of the Grievance*) and from all and every Thing or Things that ſhall or may ariſe or follow therefrom to our High Court of Chancery of *Great Britain*, and to us in the ſaid Court, rightly and duly appealed, and of the Nullity and Injuſtice of all and ſingular the Premiſſes, hath equally and alike principally affirmed and complained, and hath moreover cauſed humble Supplication to be made unto us, that we would, out of our Royal Clemency, vouchſafe to provide him a ſuitable Remedy in this Behalf; we therefore being favourably inclined to ſuch his Supplication and Requeſt, and being willing and deſirous that Juſtice ſhould be fully and

impartially adminiſtred in the Premiſſes, do hereby give Power unto you, on whoſe ſound Learning, Integrity of Mind, Dexterity and Skill in Buſineſs, we very much rely in this Behalf, and do charge and command you, that in all ordinary Acts to be expedited in the ſaid Cauſe or Buſineſs before the giving or pronouncing a definitive Sentence therein excluſively, you all, or at leaſt two of you, but that in the pronouncing or giving a definitive Sentence, you all, or at leaſt three of you, of whom we will and require, that you the aforeſaid Sir *R. B.* Knt. *&c.* or one of you, ſhall be preſent and conſenting thereto; and that you do in this Cauſe or Cauſes of Appeal and Complaint of Nullity, and in Attempts ſince and againſt the ſame, or from any Perſon or Perſons whatſoever, and alſo in the whole principal Cauſe or Buſineſs, together with all its incident Emergents, Dependants, Matters and Things whatſoever ariſing from, depending on, and adjoining to, or connected with the ſame, firſt convening before you in Judgment, the ſaid *R. B.* and all others who by Law ought to be ſo convened in this Behalf, proceed ſummarily and plainly, and without Clamour, or the ſtrict Formalities of the Law, conſidering only the Truth of Things, and the mere Equity of the Caſe; and having heard all Things that have been, or ſhall be propounded on either Side, that ye do adjudge and decree what ſhall be juſt and equitable in the Premiſſes, and what ye ſhall ſo adjudge and decree, that you do, by all due Means and Methods of Law,

cauſe

cauſe to be firmly and fully obſerved in this Behalf; in Teſtimony whereof we have cauſed theſe our Letters to be made Patent. *Witneſs* ourſelves at *Weſtminſter* this —— Day of —— in the ——— Year of our Reign. We afterwards, for certain Cauſes us thereunto eſpecially moving, at the Petition of the ſaid *J. S.* have, and do by theſe Preſents commiſſion and adjoin you the ſaid *A. B.* and ſo forth, to the ſaid Sir *R. B.* Kt. commanding you that you take the Cauſe in the State and Condition that the ſame now is, and proceed therein; and that in all ordinary Acts to be expedited in the ſaid Cauſe or Buſineſs before the giving or pronouncing a definitive Sentence therein excluſively, you all, or at leaſt two of you, but that in the pronouncing or giving a definitive Sentence, you all, or at leaſt three of you, of whom we will and require that you the aforeſaid *A. B. &c.* or one of you, ſhall be preſent and conſenting thereto; and that you do in this Cauſe or Cauſes of Appeal and Complaint of Nullity, and in Attempts ſince and againſt the ſame, or from any Perſon or Perſons whatſoever, and alſo in the whole principal Cauſe or Buſineſs, together with all its Incidents, Emergents, Dependants, Matters and Things whatſoever ariſing from, depending on, and adjoining or connected with the ſame, proceed ſummarily and plainly, and without Clamour, or the ſtrict Formalities of the Law, conſidering only the Truth of Things, and the mere Equity of the Caſe; and having heard all Things that have been or ſhall be propounded on either Side, that

ye do adjudge and decree what ſhall be juſt and equitable in the Premiſſes, and what ye ſhall ſo adjudge and decree, that ye do by all due Means and Methods of Law, cauſe to be firmly and fully obſerved in this Behalf; in Teſtimony whereof we have cauſed theſe our Letters to be made Patent. *Witneſs* ourſelves at *Weſtminſter* this —— Day of —— in the —— Year of our Reign.

An Adheſion to an Appeal from Part of the Judge's Interlocutory Decree in not giving Coſts of Suit.

IN the Name of God, *Amen:* Before you the Notary Publick, and credible Witneſſes here preſent, I *A. Z.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, and as ſuch, and under ſuch Denomination, do exhibit my Proxy for *E. L.* and make myſelf a Party for him, and with an Intent to adhere to the Appeal on the Part and Behalf of *W. S.* Executor of the laſt Will and Teſtament of *T. L.* deceaſed, whilſt living, the pretended Couſin German and next of Kin, and Adminiſtratrix of the Goods, Chattels and Credits of *A. B.* deceaſed, interpoſed, do ſay, alledge, and by theſe Preſents in Writing in Law propound, that the Right Worſhipful *J. B.* in a certain Cauſe of bringing in and exhibiting the pretended Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid

A. B.

A. B. deceaſed, and revoking the ſaid Letters of Adminiſtration, and exhibiting all Scripts and Muniments, whether in Paper or Parchment, having, or any way bearing the Tenor, Force, Face or Effigies of a Teſtament or laſt Will of the ſaid Deceaſed, and granting a Probate in common Form of the Teſtament or laſt Will in Writing of the ſaid Deceaſed, as alſo of exhibiting an Inventory of the Goods, Chattels and Credits of the ſaid Deceaſed on Oath; which Cauſe came judicially before him, between him the ſaid *E. L.* the Party promoting the ſaid Buſineſs, of the one Part, againſt the ſaid *W. S.* the Executor of the Will of the ſaid *T. L.* the Party againſt whom the ſaid Cauſe was promoted, on the other Part, and between which ſeveral Parties the ſaid Cauſe was litigated and remained undecided, interpoſed his Interlocutory Decree in the ſaid Cauſe or Buſineſs, by which (among other Things) he pronounced for the Validity of a Schedule Teſtamentary of the ſaid *A. B.* deceaſed, contained in two Sheets of Paper heretofore, in this Cauſe on the Part and Behalf of the ſaid *E. L.* exhibited, as containing the laſt Will and Teſtament of the ſaid Deceaſed, and decreed the Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, as dying Inteſtate heretofore, to wit, in the Month of —— granted to *T. L.* to be null and void, and the ſaid Schedule Teſtamentary to be proved in the Name of the ſaid *E. L.* and decreed a Commiſſion to take the Oath of the ſaid *E. L.* of the Truth and Validity of the ſaid Schedule

Teſtamentary, and well and truly to administer the Goods, Chattels and Credits of the ſaid *A. B.* deceaſed, with the ſaid Schedule annexed, and truly to perform the ſame, notwithſtanding I the Proctor aforeſaid, at the Time of interpoſing ſuch Interlocutory Decree, prayed the ſaid *W. S.* to be condemned in Coſts of Suit, on the Part and Behalf of my Party the ſaid *E. L.* in that Cauſe made and to be made; yet the ſaid Judge however proceeding, (ſaving the Reverence due to him) wholly refuſed to condemn, or at leaſt did not condemn, the ſaid *W. S.* in the Expences of the Suit aforeſaid; wherefore, and becauſe ſince the interpoſing the ſaid Interlocutory Decree, it is (as is pretended) appealed on the Part and Behalf of the ſaid *W. S.* from ſuch interpoſing the ſaid Interlocutory Decree, and from all the Conſequences thereof, I do proteſt that I do accept the ſaid Interlocutory Decree interpoſed by the Judge aforeſaid, from whom it is appealed as aforeſaid, in pronouncing for the Validity of the ſaid Schedule Teſtamentary in Manner and Form as aforeſaid, and ſo far as it makes for the Intereſt of my ſaid Party, but not otherwiſe, but on the contrary, for ſo much as ſuch Interlocutory Decree concerns or makes againſt the Intereſt of my ſaid Client, in not condemning the ſaid *W. S.* in coſts of the ſaid Suit, on the Behalf of the ſaid *E. L.* in the ſaid Cauſe made and to be made, I adhere to the ſaid Appeal on the Part of the ſaid *W. S.* interpoſed, and the more eſpecially, for that the ſaid Judge, from whom it is ap-

appealed in the above Cauſe, did not condemn the ſaid *W. S.* in Coſts of Suit, on the Part and Behalf of the ſaid *E. L.* as aforeſaid made; and I do proteſt of uſing all Benefit of the ſaid Adheſion compatible and agreeable to Law; and laſtly, I do proteſt of correcting and reforming this my Adheſion, and of adding thereto, or ſubſtracting therefrom, and reducing them into a better and more competent Form, as ſhall be conſonant and agreeable to Law, Style and Cuſtom; upon all and ſingular which Premiſſes the ſaid *A. Z.* required me, the Notary Publick underwritten, to make one or more publick Inſtrument or Inſtruments, and the Witneſſes ſubſcribed to atteſt the ſame.

R. B. Notary Publick.

This Adheſion was interpoſed on the—— Day of—— by the ſaid *A. Z.* Notary Publick, the Procurator aforeſaid, in his Houſe ſituate in——— which ſaid Proctor exhibited his Proxy, adhered, proteſted, and did in all Reſpects, as in the above-written Inſtrument is contained, there being preſent with me at the ſame Time the Notary Publick abovementioned, *H. G.* and *J. G.* literate Perſons, Witneſſes particularly required and deſired to atteſt the ſame.

This I atteſt,

R. B. Notary Publick.

A Certificate certifying the Archbishop of Ireland, *with the Execution of a Commission from thence, to swear an Executor in* England.

TO the most Reverend Father in God *H.* by Divine Providence Lord Archbishop of——— *&c.* and also to the Judge or President of the Royal Prerogative Court there, his Surrogate, or any other competent Judge in this Behalf: We *W. W.* Doctor of Laws, Surrogate to the Worshipful *H. H.* also Doctor of Laws, —— of the Right Reverend Father in God *E.* by Divine Permission Lord Bishop of—— with all due Reverence to so most Reverend a Father, do make known that *D. F.* the —— and Executrix named in the last Will and Testament of *B. F.* late of —— in the County of —— deceased, did appear before us in our Chambers at ——— on the —— Day of —— in the Year of our Lord —— and did present unto us the Letters Requisitorial and Commissorial returned, hereunto annexed, and prayed that we would, in Aid of Justice, take upon ourselves the Execution thereof; and we being willing to grant her Request, immediately took upon ourselves the Execution thereof, and did swear her the said *D. F.* as well to the Truth of the Will of the said Deceased (a Copy whereof is hereunto annexed) as to her true and faithful Performance thereof, and to exhibit a true and perfect Inventory

ory of all and ſingular the Goods, Chat-
els and Credits of the ſaid Deceaſed, which
nce her Death have come to her Hands,
oſſeſſion or Knowledge, and alſo to render
true and juſt Account of and upon her
dminiſtration thereof, when thereto law-
lly required; which being done, we did
ecree your ſaid Letters of Requeſt to be
ranſmitted unto you, and in greater Teſti-
ony of the Premiſſes, we have cauſed this
uthentick Seal to be put to theſe Preſents,
nd have ſubſcribed our Name thereto.

I *B. B.* Notary Publick, legally appointed by reaſon that I was preſent at the Time and Place of ſwearing the ſaid *D. F.* and other the Premiſſes mentioned in the above Certificate, have thereupon drawn up this publick Inſtrument, which I atteſt.

B. B. Notary Publick.

A Certificate from Ireland *upon the Execution of a Commiſſion to ſwear an Executor there.*

TO his Grace the moſt Reverend Father in God *W.* by Divine Providence rchbiſhop of ——— *&c.* or to the Maſter, eeper or Commiſſary of the Prerogative ourt of —— lawfully appointed, or to his rrogate, or ſome other competent Judge this Behalf, *A. B.* Doctor of Laws, Com-
iſſary of his Grace the moſt Reverend ather in God *H.* by Divine Providence Arch-

Archbiſhop of —— &c. and Judge or Preſident of his Majeſty's Court of Prerogative in *Ireland*, for Cauſes Eccleſiaſtical, and as to Faculties, Greeting: Whereas by Virtue of theſe Preſents we ſignify, that on the ——— Day of ——— at his Majeſty's Cuſtom-houſe in *Dublin*, appeared perſonally before us *P. C.* ſole Executor named in the laſt Will and Teſtament of *C. D.* late of the Pariſh of ——— in the County of ——— deceaſed, and preſented to us your Letters Commiſſorial or Requiſitorial to ſwear the ſaid *P. C.* as well of the Truth of the ſaid Will, as of the faithful Performance thereof, and to make a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, and alſo to render a true and juſt Account thereof, and to exhibit the ſame into the Regiſtry of your ſaid Prerogative Court, and further to do in the Premiſſes what ſhall be needful; and prayed us, in Aid of the Law, to take upon us the Execution of the ſaid Letters Commiſſorial or Requiſitorial, at whoſe Petition we accepted of the Execution thereof, and aſſumed *H. J.* Notary Publick, one of the Proctors of the ſaid Prerogative Court in *Ireland*, as our Scribe and Actuary in this Behalf; and immediately to the ſaid *P. C.* indorſed on the Back of the ſaid Letters Requiſitorial or Commiſſorial, which, together with all and ſingular the Proceedings had thereupon, we herewith tranſmit to you, ſo that you may adminiſter Juſtice in the Premiſſes; in Teſtimony whereof we have hereunto ſet our Hand, and cauſed the

the Seal of the Prerogative Court in *Ireland* to be affixed this —— Day of —— in the Year of our Lord God ——

And I *H. J.* Notary Publick above-mentioned, by legal Authority duely admitted, becauſe I was perſonally preſent at the Spedding of the above-mentioned Letters Commiſſorial or Requiſitorial, and all and ſingular the Premiſſes above ſet forth, and noted the ſame; therefore I have drawn this publick Inſtrument, and ſubſcribed and ſealed the ſame with my proper Hand and Seal the Day and Year above-mentioned, in Faith and Teſtimony of all and ſingular the Premiſſes, being thereto deſired and required.

H. J. Notary Publick.

An Aſſignment of a Legacy, with a Letter of Attorney to receive the ſame.

WHereas *J. P.* late of the Pariſh of —— in the County of ——— Widow, deceaſed, hath, by her laſt Will and Teſtament in Writing, bearing Date the —— Day of ——— in the Year of our Lord, —— given and bequeathed a Legacy to her Kinſman *W. E.* in the Words, or to the Effect following, to wit, (*a*) and of her ſaid Will hath nominated and appointed *J. B.* Executor, who hath taken upon him the Execution thereof, as in and by the ſaid Will

(*a*) Recite the Legacy *verbatim.*

Will (Relation being thereunto had) may more fully and at large appear: Now, Know all Men by theſe Preſents, that I the ſaid *W. E.* being now attained to the full Age of twenty-one Years, for ſeveral good and valuable Conſiderations me thereunto moving, and more eſpecially for, and in Conſideration of the Sum of —— to me in Hand paid by my Father *W. E.* have bargained, ſold, ſecured, aſſigned, transferred and ſet over, and I do hereby bargain, ſell, ſecure, aſſign, transfer, and ſet over the above-mentioned Legacy of —— together with all my Right, Title and Intereſt of, in, and to the ſame, unto my ſaid Father *W. E.* his Executors, Adminiſtrators and Aſſigns, in as full and ample Manner as I myſelf might, or could have and enjoyed the ſame, if theſe Preſents had never been had or made; and I the ſaid *W. E.* do hereby give unto my ſaid Father *W. E.* his Executors, Adminiſtrators or Aſſigns, and do appoint him or them to be my lawful Attorney, or Attornies, giving and granting to him or them full Power, Leave, Liberty and Authority to ask, demand, ſue for, recover and receive the ſaid Legacy of —— and all my Right, Title and Intereſt to the ſame, to his and their own proper Uſe and Benefit, and to give a proper Diſcharge for the ſame: And I do hereby promiſe to maintain and allow for firm and valid all and whatſoever my ſaid Father *W. E.* his Executors, Adminiſtrators or Aſſigns, or any other Perſon concerned for him or them ſhall do, or cauſe to be done in the Recovery of the ſaid Legacy, and of

my Right, Title and Intereſt in and to the ſame. In *Witneſs*, and ſo forth.

The Effect of a Decree againſt one of the next of Kin, citing the Party to appear every General Seſſion and Seſſions, until Sentence be given for the Validity of a Will, Codicils and Teſtamentary Schedules of the Deceaſed, on the Behalf of the Crown.

To *A. B.* the natural and lawful Brother of *B. B.* late of —— in the Pariſh of —— in the County of —— deceaſed.

BY Virtue of a Decree herewith ſhewn unto you under Seal of the —— Court of —— you are cited to appear before the Right Worſhipful *J. C.* Doctor of Laws, (*here inſert the Title or Titles of the Judge*) of the ſaid Court, his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon the —— Seſſion of —— Term, to wit, on —— the —— Day of —— in the Year of our Lord —— between the Hours of —— and —— in the —— noon of the ſame Day, then and there, and alſo upon every General Seſſion and Seſſions to be held there from thence, until a definitive Sentence ſhall be read and promulged in this Buſineſs (if you think it your Intereſt ſo to do) to ſee and hear the true laſt Will and Teſtament of the ſaid *B. B.* deceaſed, to be exhibited

hibited and propounded in due Form of Law, by and on the Part and Behalf of *C. D. E. F. G. H.* and *J. K.* Perſons ſpecially appointed by Act of Parliament to exhibit and propound the ſaid laſt Will and Teſtament, and Codicils or Teſtamentary Schedules of the ſaid *B. B.* and to proceed thereupon, in order to prove the ſame, and to demand and ſue for Letters of Adminiſtration of the Goods, Chattels, Rights and Credits of the ſaid *B. B.* with the ſaid Will and Codicils, or Teſtamentary Schedules, or ſuch of them as ſhall be duely proved thereunto annexed, and to ſee an Allegation or Allegations, and other Matters concludent in Law, given and admitted on their Behalf; a Term aſſigned to prove the ſame, Witneſſes produced, received and ſworn thereupon, and their Sayings and Depoſitions publiſhed, and a Term or Terms aſſigned to hear Sentence, and to hear a definitive Sentence for the Validity of the ſaid Will and Codicils, or Teſtamentary Schedules, read and promulged therein according to Law, and all and ſingular other judicial Acts neceſſary and by Law required to be done and expedited in and about the Premiſſes, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *C. D. E. F. G. H.* and *J. K.* intimating, and it is hereby intimated, unto you the ſaid *A. B.* that if you do not appear on the ſaid Day, Time and Place, and to the Effect aforeſaid, and from thence on every General Seſſion and Seſſions, until a definitive Sentence ſhall be

read and promulged in the ſaid Buſineſs, or appearing ſhew not ſufficient Cauſe to the contrary, concludent in Law, the Judge aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, doth intend and will proceed to the admitting the ſaid laſt Will and Teſtament of the ſaid *B. B.* deceaſed, and the ſaid ſeveral Codicils, or Teſtamentary Schedules thereunto annexed, to be exhibited and propounded in due Form of Law, and to the admitting of an Allegation or Allegations, and other Matters and Things concludent in Law, and to the aſſigning a Term or Terms to prove the ſame, and to the receiving and ſwearing Witneſſes thereon, and to the Publication of their Sayings or Depoſitions, and to the Aſſignning the Cauſe for Sentence, and to and for expediting all other Acts neceſſary to be done, until a definitive Sentence be given in the ſaid Cauſe or Buſineſs, and alſo to the Reading and Promulging of a definitive Sentence for the Force and Validity of the ſaid Will and Codicils, or Teſtamentary Schedules thereunto annexed, upon due Proof being firſt made thereof; your Abſence, or rather Contumacy, in any wiſe notwithſtanding.

The Effect of a Decree to appear every General Seſſion in the High Court of Delegates to ſee further Proceedings in the principal Cauſe, until a Sentence be promulged therein.

To *R. R.* Widow, one of the Executors of the Will of *S. R.* deceaſed, who whilſt living was the Nephew by the Siſter of *L. O.* late of ——— in the County of —— deceaſed, and alſo one of the Party's Appellant in a Cauſe of Appeal as to a Grievance brought by him and *Q. Q.* Spinſter, a Niece by the Siſter of the ſaid *L. O.* in the Court of Delegates againſt *B. B.* the Executor of the laſt Will and Teſtament of the ſaid *L. O.*

BY Virtue of a Decree herewith ſhewn unto you under Seal of the High Court of Delegates, you are cited to appear before the Right Honourable *J.* Earl of *R. B.* Earl of *S.* the Reverend Father in Chriſt *T.* by Divine Permiſſion Lord Biſhop of— *J. R.* Eſq; Lord Chief Baron of his Majeſty's Court of Exchequer, *J. C.* Knt. alſo one of the Barons of the ſaid Court, the Worſhipful *E. K. E. J.* and *W. B.* Doctors of Laws, Judges Delegates, among others, or before their Condelegates in (*here particularly deſcribe the Place of Appearance*) and Place of Judicature there, upon —— the— Day of —— in the Year of our Lord—— between

between the Hours of —— and —— in the —— noon of the ſame Day, and on all other General Seſſions or Court-Days following, to be held in the ſaid Court, to ſee further Proceedings in the principal Cauſe of the ſaid Cauſe of Appeal now depending in the ſaid Court, if you ſhall think it your Intereſt ſo to do, and to abide in Judgment until a definitive Sentenee or final Decree ſhall be given in the ſaid principal Cauſe, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof.

The Effect of a Monition to pay Coſts of an Appeal in the Court of Delegates.

To Mrs. *A. R.*

BY Virtue of a Monition herewith ſhewn unto you under Seal of the High Court of Delegates, you are moniſhed to pay, or cauſe to be paid, unto *C. D.* Widow, the natural and lawful Siſter, and alſo ſole Executrix named in the laſt Will and Teſtament of *D. D.* deceaſed, or to her Proctor for her Uſe, the Sum of ——— of lawful Money of *Great Britain*, being the Sum taxed by (*here inſert the Names of the Judges*) Judges Delegates, among others, named in a certain Cauſe of Appeal depending in the ſaid Court, between you the ſaid *A. R.* the Party Appellant, of the one Part, and the ſaid *C. D.* Widow, the Party Appellate, of the other Part, as alſo

the Sum of 1 *l.* 3 *s.* 10 *d.* of like lawful Money, for the Charges of the Monition wherewith you are now ſerved, amounting in the whole to the Sum of ——— within —— Days after you are ſerved herewith, under Pain of Sentence of Excommunication already pronounced againſt you, and which will be denounced in the Church in Caſe you do not pay the ſame within the Time aforeſaid.

A Monition to pay Coſts of an Appeal.

J. *B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed; To all and ſingular Rectors, Vicars, Chaplains, Curates, Clerks, Miniſters and literate Perſons whomſoever and whereſoever in and throughout the whole —— of —— Greeting: Foraſmuch as we rightly and duely proceeding in a certain Cauſe of Appeal and Complaint, lately depending before us between *S. B.* of the Pariſh of ——— in the County of —— and Dioceſe of ——— the Party Appellant and Complainant, of the one Part, and *J. P.* of the Pariſh of —— in the County and Dioceſe aforeſaid, the Party Appellate and complained of, on the other Part, have interpoſed a certain *Interlocutory Decree* on the Part and Behalf of the ſaid *S. B.* by which *Interlocutory Decree* (amongſt other Things) we have condemned the ſaid *J. P.* in Coſts of Suit, made or to be made in the ſaid Cauſe, on the Part and Behalf of the ſaid *S. B.* and to be paid to the

the ſaid *S. B.* or to his Proctor for his Uſe, and have taxed the ſaid Coſts at the Sum of —— (*a*) of good and lawful Money of *Great Britain*, beſides the Sum of 14*s.* 10*d.* for the Coſts of this Monition, amounting in the whole to the Sum of (*b*) like lawful Money; and we have, at the Petition of the Proctor of the ſaid *S. B.* decreed the ſaid *J. P.* to be moniſhed to pay, or cauſe to be paid, the ſaid Coſts to the ſaid *S. B.* or to his Proctor for his Uſe, within the Time under-written, and in the Manner and Form herein after mentioned, (Juſtice ſo requiring;) We do therefore authorize and ſtrictly injoin and command ye the ſaid Rectors, Vicars, Chaplains, Curates, Clerks, Miniſters and literate Perſons, jointly and ſeverally, that ye do and ſhall moniſh, or cauſe to be peremptorily moniſhed, the ſaid *J. P.* which ſaid *J. P.* we do alſo by Virtue of theſe Preſents moniſh to pay, or cauſe to be paid, to the ſaid *S. B.* or to his Proctor for his Uſe, the ſaid Sum of (*c*) of good and lawful Money of *Great Britain*, within (*d*) Days after the due Execution of this Monition upon him the ſaid *J. P.* under Pain of the greater Sentence of Excommunication, which Sentence of Excommunication againſt the ſaid *J. P.* not paying the ſaid Sum of (*e*) within the Time aforeſaid (this our Monition lawfully preceding, and his Contumacy following) *J. W.* Maſter of Arts, Clerk, Presbyter, in this Behalf lawfully authorized, hath read, publiſhed and declared in Writing, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly injoin all and ſingular you

(*a*) Inſert the Taxation of Coſts of Suit.

(*b*) Here add the Bill of Coſts and Fees of the Monition together.

(*c*) Include Coſts of Suit and Monition Fees in one Total.

(*d*) Specify the fixed Time of Payment.

(*e*) Mention the Total Sum, as before.

you the Rectors, Vicars, Chaplains, Curates, Clerks, Miniſters and literate Perſons aforeſaid, jointly and ſeverally, that ye do (the Time of the ſaid Payment being elapſed, and the ſaid laſt mentioned Sum not being paid, this our Monition being duely executed on the ſaid *J. P.* and his Contumacy following) in ſome or one of your Pariſh Churches, the *Sunday* or Feſtival Day next immediately following the Receipt of theſe Preſents, during the Time of Divine Service, while the greater Part of the Congregation are preſent to hear Divine Service, openly and publickly denounce and declare the ſaid *J. P.* to be excommunicate, under Pain of the Law, and Contempt thereof; and what ye ſhall do, or cauſe to be done in the Premiſſes, ye ſhall duely certify us, our Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the — Day of —— in the Year of our Lord —— according to the Style or Computation of the Church of *England.*

The Effect of a Monition to pay Coſts of an Appeal.

To Mr. *J. P.*

BY Virtue of a Monition herewith ſhewn unto you under Seal of the —— Court of ——— you are moniſhed to pay, or cauſe to be paid, to *S. B.* or to his Proctor for his Uſe, the Sum of ——— of good and lawful Money of *Great Britain*, beſides

beſides the Sum of 14 *s.* 10 *d.* of like lawful Money, for the Coſts of this Monition, amounting in the Whole to the Sum of —— within —— Days after you are ſerved herewith, being the Coſts of Suit taxed by the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the ſaid Court, in a certain Cauſe of Appeal lately depending before him in Judgment, between the ſaid *S. B.* the Party Appellant and Complainant, of the one Part, and you the ſaid *J. P.* the Party Appellate and complained of, on the other Part, under Pain of Sentence of Excommunication already pronounced againſt you, and which will be denounced againſt you in the — Church, in Caſe you do not pay the ſame within the Time aforeſaid.

A Libel in a Cauſe of Legacy.

A. againſt *B.*

IN the Name of God, *Amen:* Before you the Right Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— lawfully conſtituted your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *A. A.* a Legatary named in the laſt Will and Teſtament of *E. F.* late of —— in the County of —— Spinſter, deceaſed, againſt *B. B.* ſole Executrix named in the ſaid Will of the ſaid Deceaſed, and againſt any other Perſon or Perſons

whatſoever, lawfully intervening or appearing in Judgment for her by way of Complaint, and hereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

1. That the ſaid *E. F.* the Teſtatrix aforeſaid, whilſt ſhe lived, being of ſound and perfect Mind and Memory, made her laſt Will and Teſtament in Writing, bearing Date the —— Day of —— in the Year of our Lord —— and therein and thereof nominated, conſtituted and appointed the aforeſaid *B. B.* ſole Executrix, and gave, willed, bequeathed and diſpoſed of her Eſtate, as in the ſaid Will is contained, and afterwards departed this Life; and the Party Proponent doth alledge and propound every Thing in this Article contained jointly and ſeverally.

2. That after the Death of the ſaid *E. F.* the Teſtatrix, to wit, the —— Day of —— in the Year of our Lord —— her ſaid Will was exhibited before the Official Principal of, in and throughout the whole —— of —— or his Surrogate, and by the ſaid Official Principal, or his Surrogate, duely proved, approved and regiſtred, and Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, and whatſoever relating to the ſaid Will was granted to the ſaid *B. B.* the ſaid Executrix therein named, ſhe being firſt ſworn in due Form of Law, as by the Acts of the ſaid Court (Reference being thereunto had) will appear; and the ſaid *B. B.* took upon her

her the Execution of the ſaid Will, and by Virtue thereof intermeddled with and poſſeſſed herſelf of the Goods, Chattels and Credits of the ſaid Deceaſed, and hath adminiſtred, and at preſent doth adminiſter the ſame; and this was and is true, publick and notorious; and the Party Proponent doth propound and alledge as above.

3. That the ſaid *E. F.* the Teſtatrix aforeſaid (among other Things by her given and bequeathed in and by her ſaid laſt Will and Teſtament) did will, bequeath and diſpoſe of a certain Legacy to the aforeſaid *A. A.* in the Words following, or in Words to the ſame Effect, (*here inſert the Legacy* verbatim) when he ſhall arrive at the Age of Twenty-one Years, as by the ſaid Will of the ſaid *E. F.* deceaſed (to which the Party Proponent doth refer) may appear; and the Party Proponent doth propound and alledge as above.

4. That the aforeſaid *A. A.* is upwards of Twenty-three Years of Age, and was and is the ſame Perſon to whom the ſaid Teſtatrix gave and bequeathed the ſaid Legacy as aforeſaid, and for and as ſuch he is commonly accounted, reputed and taken to be; and the Party Proponent doth propound and alledge as above.

5. That the ſaid *B. B.* the Teſtatrix aforeſaid, altho' often, or at leaſt once, asked and required to pay, or cauſe to be paid, really and with Effect, to the ſaid *A. A.* the ſaid Legacy, ſo as aforeſaid left and bequeathed to him, hath refuſed, and at preſent doth refuſe, or at leaſt hath unjuſtly delayed, and at preſent doth delay,

to pay the ſame; and the Party Proponent doth alledge and propound as above.

6. That the ſaid *B. B.* the Executrix aforeſaid, was and is of the Pariſh of —— in the County of —— and Dioceſe of —— and therefore ſubject to the Juriſdiction of this Court; and the Party Proponent doth propound and alledge as above.

7. That of and concerning the Premiſſes it hath been, and is on the Behalf of the ſaid *A. A.* rightly and lawfully complained to you the Official Principal aforeſaid, and to this Court.

8. That all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, whereupon legal Proof being firſt made, the Party Proponent prays Right and Juſtice to be done and adminiſtred to him and his Party, and the ſaid *B. B.* to be condemned in the ſaid Legacy and Coſts of Suit, humbly praying a Sentence or final Decree to be given in this Cauſe, and Juſtice to be done to him and his Party thereby, and further to be done and decreed as to Law and Juſtice ſhall appertain, not obliging himſelf to prove all and ſingular the Premiſſes, nor taking upon him the Burden of a ſuperfluous Proof, againſt which he proteſts; but hoping that for as much as he ſhall prove of the Premiſſes, he ſo far may obtain of his Petition, humbly imploring the Aid of your Office, the Benefit of the Law being always ſaved to him.

A

A Libel of Appeal in the Court of Delegates, upon Rejecting the Admiſſion of an Allegation in an inferior Court, in a pretended Teſtamentary Cauſe.

IN the Name of God, *Amen*: Before you Sir *E. P.* Knt. one of the Juſtices of his Majeſty's Court of King's Bench, Sir *J. C.* Knt. one of the Barons of his Majeſty's Court of Exchequer, Sir *J. F. A.* Knt. one of the Juſtices of his Majeſty's Court of Common Pleas, *G. P. H. H. C. P. E. J.* and *W. B.* reſpectively, Doctors of Laws, Judges Delegates, commiſſioned by his Majeſty in the Cauſe hereafter deſcribed, and between the Parties under-mentioned, the Proctor of *J. B.* the natural and lawful Son of *T. B.* late of —— in the County of —— deceaſed, againſt *T. B.* the natural and lawful Son, and alſo pretended Executor named in the pretended laſt Will and Teſtament of the ſaid Deceaſed, and againſt any other Perſon and Perſons lawfully intervening or appearing in Judgment for him, before you by way of Appeal and Complaint; and thereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, that is to ſay,

1. That a certain pretended Cauſe or Buſineſs of proving by Witneſſes the pretended laſt Will and Teſtament of *T. B.* late

late of —— in the County of —— deceaſed, did lately depend before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge from whom the Cauſe is appealed*) of the —— Court of —— lawfully conſtituted between the ſaid *T. B.* the natural and lawful Son, and pretended Executor named in the ſaid pretended Will, the Party promoting the ſaid Cauſe or Buſineſs of the one Part, and the ſaid *J. B.* the Party againſt whom the ſaid Cauſe or Buſineſs was promoted, on the other Part; and the Party Proponent doth alledge and propound all and every Thing in this Article contained jointly and ſeverally.

2. That the ſaid Right Worſhipful *J. B.* Doctor of Laws, the pretended Judge aforeſaid, unduly and unjuſtly proceeding in the ſaid Cauſe, (ſaving the Reverence due to him) and favouring the Party of the ſaid *T. B.* more than of Right he ought againſt the ſaid *J. B.* acting in all Things nully and unjuſtly, as well by Virtue of his pretended Office, as at the unjuſt Sollicitation, Procurement and Inſtigation of the ſaid *T. B.* or his Proctor, *Did in Fact, tho' unduly, reject or refuſe to admit an Allegation in Writing, given in the ſaid Cauſe or Buſineſs, and prayed to be admitted on the Behalf of the ſaid* J. B. to the manifeſt Injury of Juſtice, and to the great Prejudice and Grievance of him the ſaid *J. B.* and the Party Proponent doth alledge and propound as before.

The *Præſertim* of the Appeal.

3. That the Proctor of the ſaid *J. B.* looking upon and believing him to be very much injured and aggrieved by all and ſingular

gular the Nullities, Iniquities, Injuſtices, Grievances and Errors of Proceedings aforementioned, and juſtly fearing that his ſaid Party may be further injured and aggrieved thereby, hath rightly and duely appealed from them, and every of them, and *Eſpecially from rejecting or not admitting an Allegation in Writing, given and prayed to be admitted on the Behalf of the ſaid* J. B. and from all and every Thing from thence enſuing, and all and ſingular other Grievances to be collected from the Acts and Facts of the ſaid pretended Judge, to the moſt Serene Prince ——— by the Grace of God of *Great Britain*, *France* and *Ireland* King, Defender of the Faith, and to his High Court of Chancery of *Great Britain*, and to him in the ſame Court; and hath equally and alike principally complained of all and ſingular the Nullities, Iniquities, Injuſtices, Grievances and Errors in Proceeding aforementioned; and the Party Proponent doth alledge and propound as before.

The *Præſertim* of the Appeal.

4. That the ſaid Serene Majeſty, at the Petition of the ſaid *J. B.* hath granted his Letters Patent, under the Great Seal of *Great Britain*, to you the Judges Delegates aforeſaid, for the Hearing and Determining the Merits of the aforeſaid Cauſe, with all Incidents, Dependants and Things adjoined and connected thereto whatſoever, with a Clauſe, that in all ordinary Acts to be expedited in this Cauſe or Buſineſs, until the giving a definitive Sentence excluſive, all, or at leaſt two of you, but that in the giving of Sentence all, or at leaſt three of you, of whom you the ſaid Sir *E. P.* Knt.

Sir

Sir *J. C.* Knt. and Sir *J. F. A.* Knt. or one of you, ſhall be preſent and conſenting thereto, as by the ſaid Letters Patent doth more fully appear; and the Party Proponent doth alledge and propound as before.

5. That you the Judges Delegates, commiſſioned by his Majeſty, or two of you, have taken upon you the Execution of the ſaid Letters Patent and Commiſſion, and have decreed to proceed according to the Effect and Tenor thereof; and the Party Proponent doth alledge and propound as before.

6. That the ſaid *J. B.* was and is a Subject of the Kingdom of *Great Britain*, and by Means thereof, and Reaſon of the Appeal and Complaint made and interpoſed on the Behalf of the ſaid *J. B.* in this Behalf, is ſubject to the Juriſdiction of this Court; and the Party Proponent doth alledge and propound as before.

7. That all and ſingular the Premiſſes before-mentioned were and are true, publick and notorious; and thereof there was and is a publick Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes, and that the Appeal and Complaint made and interpoſed on the Behalf of the ſaid *J. B.* be pronounced for and decreed juſt and lawful; and for true, juſt and lawful Cauſes made and interpoſed, and for your Juriſdiction, or rather his Sacred Majeſty's, and alſo that the ſaid Judge from whom the ſaid Cauſe is appealed,

pealed, hath proceeded wrongfully, nully and unjuſtly, and that you will reverſe the Order or Decree made by the ſaid Judge from which this Cauſe is appealed, and declare the ſame null and void; and the ſaid *T. B.* to be condemned in the Coſts of this Appeal made, and to be made, on the Part and Behalf of the ſaid *J. B.* and to be compelled to the due Payment thereof by you, or your definitive Sentence or final Decree, humbly imploring the Aid of your Office in this Behalf.

A Sentence pronouncing for an Appeal.

IN the Name of God, *Amen:* We (*here inſert the Names of the Judges Condelegates*) Judges Delegates, among others, lawfully appointed by Virtue of Letters Patent and Commiſſional, under the Great Seal of *Great Britain*, to hear and determine the Merits of a certain Cauſe of Appeal and Complaint of Nullity now depending undecided before us in Judgment, between *J. B.* the natural and lawful Son of *T. B.* late of —— in the County of —— deceaſed, the Party Appellant and Complainant, of the one Part, and *T. B.* the natural and lawful Son alſo, and pretended Executor named in the pretended laſt Will and Teſtament of the ſaid Deceaſed, the Party Appellate and complained of, on the other Part; and we rightly and duely proceeding therein, and the ſaid Parties lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the

the ſaid *J. B.* praying Sentence to be given, and Juſtice to be done to his Party, the Proctor of the ſaid *T. B.* alſo earneſtly praying —— to be done to his Party, and having carefully and diligently ſearched into and conſidered of all the whole Proceedings had and done before us in this Cauſe, and having obſerved therefrom what by Law ought to be obſerved in this Behalf, have thought fit thus to proceed, and do proceed to the giving of our definitive Sentence or final Decree in this Cauſe, in Manner and Form following: Foraſmuch as by the Acts enacted, deduced, exhibited, alledged, pleaded, propounded, proved and confeſſed, we have found, and it doth evidently appear unto us, that the Proctor of the ſaid *J. B.* hath ſufficiently founded and proved his Intention, deduced in a certain Libel of Appeal, and other Exhibits given in, exhibited and admitted in this Cauſe, and now remaining in the Regiſtry of this Court (which Libel of Appeal, and other Exhibits, we take, and will have taken, as if here read and inſerted) for us to pronounce as herein after is pronounced; and that nothing at leaſt effectual hath been excepted, deduced, exhibited, alledged, pleaded, propounded, proved or confeſſed on the Part and Behalf of the ſaid *T. B.* that may or can any ways Defeat, Prejudice or Invalidate the Intention of the ſaid *J. B.* Therefore we the Judges Delegates aforeſaid, firſt calling upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel thereupon, do pronounce, decree and declare for the Appeal

peal on the Part and Behalf of the ſaid *J. B.* made and interpoſed to our Sovereign —— by the Grace of God of *Great Britain*, *France* and *Ireland* King, Defender of the Faith, and ſo forth, and to his High Court of Chancery of *Great Britain*; and we do alſo pronounce, decree and declare the ſaid Appeal to be juſt and lawful; and for juſt and lawful Cauſes made and interpoſed, and for our Juriſdiction, or rather the Juriſdiction of our Sovereign Lord the King, and that the Judge from whom this Cauſe is appealed hath proceeded wrongfully, nully and unjuſtly, and we do hereby therefore revoke all the Grievances, Nullities and Injuſtices brought and inflicted by the ſaid Judge upon the ſaid *J. B.* and do reverſe and declare for null and void all the Orders and Decrees made by him in the ſaid Cauſe, eſpecially thoſe Orders and Decrees from which this Cauſe of Appeal and Complaint is brought; and we do declare, that the Allegation offered in the firſt Inſtance of this Cauſe on the Part and Behalf of the ſaid *J. B.* and which was rejected by the Judge from whom this Cauſe is appealed, ought by Law to be admitted, and we do admit the ſame accordingly; and we do hereby further pronounce, decree and declare, that the ſaid *J. B.* ought by Law to be condemned in the lawful Coſts made or to be made in this Cauſe of Appeal, on the Part and Behalf of the ſaid *J. B.* to be paid to him or his Proctor, and accordingly we do condemn him in ſuch Coſts, which we tax and moderate to the Sum of * —— of lawful Money of *Great Britain*;

* Here inſert the Taxation of Coſts of Suit.

tain; and decree that the ſaid *T. B.* be moniſhed, under Pain of the greater Excommunication, to pay, or cauſe to be really and truly paid, to the ſaid *J. B.* or his Proctor, the ſaid Sum within —— Days after the Execution of a Monition upon him the ſaid *T. B.* for that Purpoſe, which Sentence of Excommunication againſt the ſaid *T. B.* not paying the Sum before taxed in the Manner and Form aforeſaid, and in ſuch Monition to be mentioned, (ſuch lawful Monition preceding, and he perſevering in his Contumacy) we the Judges Delegates aforeſaid, as well from then as now, as from now as then, do give and promulge by theſe Preſents; and in ſuch Caſe we do decree the ſaid *T. B.* to be openly and publickly denounced and declared excommunicated in the Face of the Church, by this our definitive Sentence or final Decree, which we do read and promulge by theſe Writings.

A Proxy praying to be aſſigned Guardian ex officio, *and the Acceptation of the ſaid Guardianſhip, in order to appear to a Decree, and ſee a Will propounded.*

WHereas *P. O.* and *E. O.* the natural and lawful Children of *R. O.* late of the Pariſh of —— in the County of —— deceaſed, have been lately cited with a Decree under Seal of the —— Court of ——

to appear lawfully before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Titles of the Judge*) of the ſaid Court, his Surrogate, or ſome other competent Judge in this Behalf, to bring in and leave in the Regiſtry of the ſaid Court a certain pretended Will of the ſaid Deceaſed, bearing Date on or about the —— Day of —— in the Year of our Lord —— together with all Scripts, Scrolls, Papers, Writings or Inſtruments whatſoever purporting a Will, Codicil or Teſtamentary Diſpoſition of the ſaid Deceaſed, and to ſee the ſaid Will, bearing Date the ſaid —— Day of —— in the Year of our Lord —— propounded and proved by Witneſſes, and alſo to exhibit upon Oath a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to their Hands, Poſſeſſion or Knowledge; and whereas the ſaid *P. O.* and *E. O.* are Infants reſpectively under the Age of ſeven Years, and therefore incapable of ſtanding in Judgment, and appearing in their own Names, or of chooſing any Perſon or Perſons to appear and act for them in this Behalf.

Know all Men therefore by theſe Preſents, That we *E. O.* Widow, the Relict of the ſaid Deceaſed, and *Z. S.* the Executors named in the ſaid Will, are willing and deſirous to be aſſigned Guardians to the ſaid Infants, in order to appear for them to the ſaid Decree, and ſee the ſaid Will of the ſaid Deceaſed, bearing Date the ſaid —— Day of —— in the Year of our Lord —— propounded and proved by Witneſſes,

and likewiſe to expedite all other Matters and Things neceſſary and required by them to be done, in Conſequence of the ſaid Decree ſo iſſued out againſt them as aforeſaid; and accordingly we, and each of us, do hereby accept of the Guardianſhip of the ſaid Infants, to the Effect and Purpoſe as before-mentioned, and to the End that this our Proxy of Acceptation of the ſaid Guardianſhip may have its due Effect, we, and each of us, do hereby nominate and appoint *E. B. C. A. R. W.* and *J. L.* Procurators General of the Arches Court of *Canterbury*, jointly or ſeverally, to be our lawful Proctors for us, and in our Names and Stead to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the ſaid —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this our Proxy of Acceptation of the ſaid Guardianſhip, and to pray that we may, by Virtue of the Office of the Judge, be aſſigned Curators or Guardians to the ſaid Infants, in order to appear to the ſaid Decree, and to ſee the ſaid Will propounded and proved by Witneſſes, and to do and expedite all other Acts and Things neceſſary to be done and expedited by them the ſaid Infants, in Conſequence of the ſaid Decree ſo iſſued out againſt them as aforeſaid; and we do hereby promiſe to allow for firm and valid all and whatſoever our ſaid Proctors, or either of them, ſhall jointly or ſeverally do or cauſe to be done for us, and in our Names, in and touching the Premiſſes. In *Witneſs* whereof we have hereunto reſpectively

tively ſet our Hands and Seals the —— Day of —— in the Year of our Lord ——

A. O.
Z. S.

Signed and ſealed by the ſaid *A. O.* and *Z. S.* being firſt duely ſtamp'd in the Preſence of us

R. M.
C. D.

A Proxy from the ſaid Curators or Guardians ex officio, *appointing a Proctor to appear for the aforeſaid Purpoſe.*

WHereas *A. O.* Widow, the Relict, and *Z. S.* the Executors named in the pretended laſt Will and Teſtament of *R. O.* late of the Pariſh of —— in the County of —— deceaſed, bearing Date on or about the —— Day of —— and alſo *P. O.* and *E. O.* the natural and lawful Children of the ſaid Deceaſed, have been cited with a Decree under the Seal of the —— Court of —— to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, to bring in and leave in the Regiſtry of the ſaid Court the ſaid Will of the ſaid Deceaſed, bearing Date the ſaid

——— Day of——— in the Year of our Lord —— together with all Scripts, Scrolls, Papers, Writings and Inſtruments whatſoever purporting to be a Codicil or Teſtamentary Diſpoſition of the ſaid Deceaſed, and to ſee the ſaid Will propounded and proved by Witneſſes, and alſo to exhibit upon Oath a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to their Hands, Poſſeſſion or Knowledge.

Know all Men therefore by theſe Preſents, That we the ſaid *A. O.* Widow, and *Z. S.* the Executors aforeſaid on our own Part and Behalf, and alſo as Guardians to the ſaid *P. O.* and *E. O.* who are Infants under the Age of ſeven Years, do conſtitute and appoint *E. B. C. A. R. W.* and *J. L.* Procurators General of the Arches Court of *Canterbury*, jointly or ſeverally, to be our lawful Proctors for us, and in our Names, as Executors of the ſaid Will, and alſo as Guardians to the ſaid Infants, to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the ſaid —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to the ſaid Decree, and to ſee the ſaid Will propounded and proved by Witneſſes in due Form of Law, and likewiſe to do, or cauſe to be done, all other Acts and Things neceſſary to be done and expedited, as well upon our own Behalf, as upon the Part and Behalf of the ſaid Infants, in Conſequence of the ſaid Decree iſſued out as aforeſaid, in as full and ample

Manner

Manner as if we ourſelves were perſonally preſent; and we, and each of us, do hereby promiſe to allow for firm and valid, *&c. ut ante.*

A Proxy upon electing a Guardian, in order to oblige the Executors of a Will to prove the ſame by Witneſſes.

WHereas *G. F.* late of the Pariſh of ——— in the County of ——— Widow, deceaſed, made her laſt Will and Teſtament in Writing, bearing Date the ——— Day of ——— and afterwards, by way of Letter, did make a Codicil to the ſaid Will, and of her ſaid Will did conſtitute and appoint *A. B. C. D.* and *E. F.* Executors: Now, Know all Men by theſe Preſents, That I *H. C.* a Niece by the Brother of the ſaid *G. F.* and one of the next of kin, being in my Minority, to wit, upwards of the Age of ——— Years, and under the Age of Twenty-one Years, and therefore incapable of acting in my own Name, to oblige the ſaid Executors to prove the ſame by Witneſſes, in order that a Sentence may be pronounced for the ſaid Will and Codicil, upon due Proof thereof being firſt made, have, and by theſe Preſents do elect and make choice of *T. T.* to be my Guardian; in order to oblige the ſaid Executors thereof to prove the ſaid Will and Codicil by Witneſſes, and to the End that this my Choice of a Guardian may have its due Effect, I do hereby nominate and appoint *E. C. E. A.* and *R. R.* three of the

Procurators General of the Arches Court of *Canterbury*, to be my Proctors for me, and in my Name, jointly and ſeverally, to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— his Surrogate, or any other competent Judge in this Behalf, and to pray that the ſaid *T. T.* may be aſſigned my Guardian to the Effect and Purpoſe aforeſaid, and to all other Intents and Purpoſes in Law whatſoever concerning the Premiſſes; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctors ſhall jointly or ſeverally do, or cauſe to be done therein. In *Witneſs*, and ſo forth.

Signed, *&c.*

A Proxy of Acceptation of the ſaid Guardianſhip for the Purpoſes aforeſaid.

WHereas *G. F.* late of the Pariſh of —— in the County of —— Widow, deceaſed, made her laſt Will and Teſtament in Writing, bearing Date the —— Day of —— and afterwards, by way of Letter, did make a Codicil to his ſaid Will, and of her ſaid Will did nominate and appoint *A. B. C. D.* and *E. F.* Executors; and whereas *H. C.* a Minor, the Niece by the Brother, and one of the next of kin to the ſaid Deceaſed, is deſirous to have the ſaid Will and Codicil proved by Witneſſes, in order that a Sentence may be pronounced for the Validity

lidity of the ſame, but being incapable of acting in her own Name, by Reaſon of her Minority, hath made choice of me *T. T.* to be her Guardian, in order to oblige the ſaid Executors to prove the ſaid Will and Codicil by Witneſſes, that upon due Proof thereof firſt made, a Sentence may be pronounced for the Validity of the ſame: Now, Know all Men by theſe Preſents, That I the ſaid *T. T.* do hereby accept of the ſaid Guardianſhip, and to the End that this my Acceptation thereof may have its due Effect, I do hereby conſtitute and appoint *E. C. E. A.* and *R. R.* three of the Procurators General of the Arches Court of *Canterbury*, to be my Proctors for me, and in my Name, to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here mention the Title of the Judge*) of the —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, and to pray that I may be aſſigned Guardian to the ſaid *H. C.* for and to the Effect and Purpoſe aforeſaid, and afterwards to appear for me as Guardian to the ſaid Minor, before the ſaid Judge, or his Surrogate, or any other competent Judge in this Behalf, and to oppoſe and give a Negative Iſſue to the ſaid Will and Codicil, and to do every Thing that ſhall be needful and neceſſary to be done on my Behalf, as Guardian to the ſaid Minor, in and about the Premiſſes, until a definitive Sentence ſhall be pronounced for the Validity of the ſaid Will and Codicil, upon due Proof thereof firſt made; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctors

ſhall

ſhall jointly or ſeverally do, or cauſe to be done, in and about the Premiſſes. In *Witneſs*, &c.

Signed, *&c.*

A Proxy praying a Guardian to be appointed, in order to cite the Widow to bring in an Adminiſtration to revoke the ſame, and to accept or refuſe the Adminiſtration, with a Teſtamentary Schedule annexed, and to exhibit an Inventory.

WHereas *C. H.* late of the Pariſh of— in the County of —— died on or about the —— Day of —— leaving behind him *M. H.* his Widow, and one only Child, to wit, *E. H.* then a Minor of about —— Years of Age, and ſoon after his Death, to wit, on or about the —— Day of —— Letters of Adminiſtration of all and ſingular his Goods, Chattels and Credits, as dying Inteſtate, were committed and granted to the ſaid *M. H.* and whereas the ſaid *M. H.* hath lately diſcovered that the ſaid *C. H.* made and left behind him his laſt Will and Teſtament in Writing, or a Teſtamentary Schedule or Diſpoſition, purporting to be his laſt Will and Teſtament, wherein he did give and bequeath to the ſaid *E. H.* his only Child, a conſiderable Legacy, and ſeveral other Legacies to his Relations; and whereas *G. H.* the Brother of the ſaid Deceaſed, who is a Legatee named in the ſaid Will

Will or Teſtamentary Schedule, doth intend to cite the ſaid *M. H.* to appear before the Right Worſhipful *J. B.* Doctor of Laws, Judge of the —— Court of —— to bring her ſaid Letters of Adminiſtration, as alſo the ſaid Will, or Teſtamentary Schedule, into the ſaid Court, and to ſhew Cauſe why her ſaid Letters of Adminiſtration ought not to be revoked and declared null and void, and to accept or refuſe the Adminiſtration, with the ſaid Will or Teſtamentary Schedule annexed, and alſo to exhibit an Inventory; and foraſmuch as the ſaid *E. H.* the only Child of the ſaid Deceaſed, being greatly intereſted in the ſaid Will or Teſtamentary Schedule, and deſirous that the ſame ſhould be eſtabliſhed, but being in her Minority, to wit, of the Age of —— Years, and therefore incapable of appearing in Judgment, and acting in her own Name: Now therefore be it known unto all Men by theſe Preſents, That I the ſaid *E. H.* do hereby make choice of *S. R.* to be my Guardian, in order to take out a Citation alſo againſt the ſaid *M. H.* my Mother, to cite her to appear before the ſaid Judge of the ſaid —— Court, to bring into the ſaid Court her ſaid Letters of Adminiſtration, as alſo the laſt Will and Teſtament, or Teſtamentary Diſpoſition, of my ſaid Father, deceaſed, and to ſhew Cauſe why her ſaid Adminiſtration ought not to be revoked and declared null and void, and to accept or refuſe the Adminiſtration, with the ſaid Will, or Teſtamentary Schedule annexed, of the Goods and Chattels of the ſaid Deceaſed, as alſo to exhibit a true and perfect Inventory

tory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; and to the End that this my Choice of a Guardian may have its due Effect, and that the ſaid *S. R.* may be aſſigned my Guardian to the Effect and Purpoſe aforeſaid, I do hereby conſtitute and appoint *A. B.* one of the Procurators General of the Arches Court of *Canterbury*, to be my Proctor for me, and in my Name, to appear before the ſaid Right Worſhipful *J. B.* Judge of the ſaid —— Court, or his Surrogate, or ſome other competent Judge in this Behalf, and to pray and procure the ſaid *S. R.* to be aſſigned my Guardian, to the Effect and Purpoſe aforeſaid, and to all Effects and Purpoſes in Law whatſoever relating to the ſaid Buſineſs; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctor ſhall do, or cauſe to be done, in and about the Premiſſes. In *Witneſs*, &c.

Signed, *&c.*

A Proxy of Acceptation of the ſaid Guardianſhip for the Purpoſes aforeſaid.

WHereas *C. H.* late of the Pariſh of— in the County of —— died on or about the — Day of — leaving behind him *M. H.* his Widow and Relict, and *E. H.* his only Child, then a Minor of about —Years of Age; and ſoon after his Death, to wit, on or about the —— Day of —— Letters of Adminiſtration of all and ſingular the Goods, Chattels

Chattels and Credits of the ſaid Deceaſed, as dying Inteſtate, were committed and granted to the ſaid *M. H.* his Widow and Relict; and whereas the ſaid *M. H.* hath lately diſcovered that the ſaid *C. H.* did make and leave behind him his laſt Will and Teſtament in Writing, or a Teſtamentary Schedule or Diſpoſition, purporting to be his laſt Will and Teſtament, wherein he gave and bequeathed a conſiderable Legacy to the ſaid *E. H.* his only Child, and ſeveral other Legacies to his Relations; and whereas *G. H.* the Brother of the ſaid Deceaſed, who is a Legatee in the ſaid Will or Teſtamentary Schedule, doth intend to cite the ſaid *M. H.* to appear before the Right Worſhipful *J. B.* Doctor of Laws, Judge of the —— Court of —— to bring her ſaid Letters of Adminiſtration, as alſo the ſaid Will or Teſtamentary Schedule, into the ſaid Court, and to ſhew Cauſe why the ſaid Letters of Adminiſtration ſhould not be revoked and declared null and void, and to accept or refuſe the Adminiſtration, with the ſaid Will or Teſtamentary Schedule annexed, and alſo to exhibit an Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; and whereas the ſaid *E. H.* being intereſted in the ſaid Will or Teſtamentary Schedule, and deſirous that the ſame may be eſtabliſhed, but being in her Minority, to wit, of the Age of —— Years, and therefore incapable of appearing in Judgment, and acting in her own Name, hath made choice of and elected *S. R.* to be her Guardian, in order to take out a Citation alſo againſt the ſaid *M. H.* to cite her

her to appear before the ſaid Judge of the ſaid —— Court of ——— to bring in and leave in the ſaid Court her ſaid Letters of Adminiſtration, and to ſhew Cauſe why the ſame ſhould not be revoked and declared null and void, and to accept or refuſe Adminiſtration, with the ſaid Will or Teſtamentary Schedule annexed, of the Goods, Chattels and Credits of the ſaid Deceaſed, and alſo to exhibit an Inventory of the ſaid Goods, Chattels and Credits.

Now know all Men by theſe Preſents, That I the ſaid *S. R.* do hereby accept of the ſaid Guardianſhip; and to the End that my Acceptation thereof may have its due Effect, and that I may be aſſigned Guardian to the ſaid Minor to the Effect and Purpoſe aforeſaid, I do hereby nominate and appoint *A. B.* one of the Procurators General of the Arches Court of *Canterbury*, to be my Proctor for me, and in my Name, to appear before the Right Worſhipful *J. B.* Doctor of Laws, Judge of the —— Court aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Proxy of Acceptation of the ſaid Guardianſhip, and to pray and procure that I may be aſſigned Guardian to the ſaid Minor, to the Effect and Purpoſe aforeſaid, and to all Effects and Purpoſes in Law whatſoever relating to the ſaid Buſineſs. In *Witneſs* whereof I have hereunto ſet my Hand and Seal the —— Day of —— in the Year of our Lord ——

Signed, *&c.* *S. R.*

A

A Proxy appointing a Perſon to act as an Agent or Solicitor.

Whereas *J. C.* late of —— in the County of —— deceaſed, died lately, and (as pretended) made his laſt Will and Teſtament in Writing, and therein nominated and appointed *M. W.* ſole Executrix and Reſiduary Legatee.

KNOW all Men therefore by theſe Preſents, That I *B. G.* the natural and lawful Nephew of the ſaid Deceaſed, and intitled (in Caſe of an Inteſtacy) to a Diſtribution of the Deceaſed's Eſtate, for divers good Cauſes and Conſiderations me hereunto eſpecially moving, do nominate, conſtitute and appoint *R. W.* of *Doctors Commons*, *London*, to be my Solicitor or Agent for me, and in my Name to enter a Caveat in the Goods, Chattels and Credits of the ſaid Deceaſed, in the —— Court of —— againſt the proving the ſaid Deceaſed's pretended Will, and to do every Thing that is or may be neceſſary towards revoking and declaring the ſame to be null and void; and whatſoever my ſaid Solicitor or Agent ſhall do, or cauſe to be done in the Premiſſes, I do hereby ratify and confirm. In *Witneſs*, and ſo forth.

Signed, *&c.* *B. G.*

A Renunciation of a Legacy.

Whereas *E. C.* late of ——— in the County of ——— made his laſt Will and Teſtament in Writing, bearing Date the ——— Day of —— in the Year of our Lord ——— and did (among other Things) give and bequeath as followeth, (to wit,)

ITEM, I give and bequeath to my —— *D. T.* the Sum of —— to be paid him by my Executor within —— Months after my Deceaſe: Now, Know all Men by theſe Preſents, That I the ſaid *D. T.* the Legatee named in the ſaid Will, do utterly renounce the Legacy given and bequeathed unto me by the ſaid Will of the ſaid Deceaſed; and do hereby utterly renounce, relinquiſh and diſclaim all my Right, Title, Intereſt and Benefit in and to the ſame. In *Witneſs* whereof I have hereunto ſet my Hand and Seal this —— Day of —— in the Year of our Lord ——

Signed, *&c.* *D. T.*

An Exemplification of the Probate of a Will.

TO all and ſingular the Faithful in Chriſt, to whom theſe our preſent Letters Teſtimonial ſhall come, or whom the Matters herein written do or may hereafter in any wiſe concern, *W.* by Divine Providence Archbiſhop of *Canterbury*, Primate of all *England* and Metropolitan, ſend Greeting, in our Lord God Everlaſting, and will that undoubted Faith be given to theſe Preſents, and do make known, and will that it be hereby made known to you, that on ſearching the Regiſtry of our Prerogative Court of *Canterbury* in the Archives thereof, there well and faithfully preſerved and kept, we have diſcovered and plainly found (amongſt other Things) in our ſaid Regiſtry, that on the —— Day of ——— in the Year of our Lord ——— at *London*, before the Worſhipful *R. B.* Doctor of Laws, Surrogate to the Right Worſhipful *J. B.* alſo Doctor of Laws, *&c.* the laſt Will and Teſtament of *O. P.* late of ——— in the County of ——— deceaſed, was proved, approved and regiſtred, and Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, and any way concerning his Will, was granted to *R. S.* Executor named in the ſaid Will, he being firſt ſworn well and faithfully to adminiſter the ſame, and to make a true and perfect Inventory of all and ſingular the ſaid Goods, Chattels and Credits, and to exhibit the

ſame into the Regiſtry of our Prerogative Court of *Canterbury*, on or before the laſt Day of —— next enſuing, and alſo to render a juſt and true Account thereof; the true Tenor of which ſaid Will follows in theſe Words, and is ſuch, to wit, (*here recite the whole Will* verbatim) in Faith and Teſtimony of all and ſingular which Premiſſes we have cauſed theſe our Letters Teſtimonial to iſſue forth, and to be corroborated and confirmed, by affixing thereto the Seal of our ſaid Prerogative Court of *Canterbury*, which we uſe in this Behalf. Given at *London*, as to the Time of the aforeſaid Search, and the Sealing of theſe Preſents, the ——— Day of ——— in the Year of our Lord —— and in the —— Year of our Tranſlation.

A General Releaſe for a Legacy.

Whereas *R. P.* late of ——— in the County of —— Gentleman, deceaſed, made his laſt Will and Teſtament in Writing, bearing Date the —— Day of ——— and thereof did nominate, conſtitute and appoint his —— *B. D.* ſole Executrix, and in and by his ſaid Will did give and bequeath to his Nephew *F. P.* a Legacy in the Words following, (to wit,) *Imprimis*, I give and bequeath to my Nephew *F. P.* the Sum of —— as by the ſaid Will (Relation being thereunto had) it doth and may appear.

KNOW all Men therefore by theſe Preſents, That I the ſaid *F. P.* do acknowledge to have had and received of the ſaid *B. D.* the full Sum of ——— of lawful Money of *Great Britain*, in full Diſcharge of the ſaid Legacy; and I do hereby for my ſelf, my Heirs, Executors and Adminiſtrators, and every of them, diſcharge, releaſe and acquit the ſaid *B. D.* his Heirs, Executors and Adminiſtrators of and from the ſaid Legacy, and of and from all my Right, Title and Intereſt, Claim, Property and Demand whatſoever, into or upon the Real and Perſonal Eſtates of the ſaid *R. P.* and every Part thereof, and of and from all Manner of Actions, Suits, Bonds, Bills, Debts, Accounts, Reckonings, Judgments, Executions, Treſpaſſes,

Controverſies, Damages and Demands whatſoever both in Law and Equity, which againſt the ſaid *B. D.* I ever had or may have, or which my Heirs, Executors or Adminiſtrators hereafter ſhall or may have, challenge, claim and demand, for any Matter, Cauſe or Thing whatſoever from the Beginning of the World unto the Day of the Date of theſe Preſents. In *Witneſs* whereof I have hereunto ſet my Hand and Seal, *&c.*

F. P.

Signed, *&c.*

A Proxy appointing a Proctor to admit and confeſs the Articles of an Allegation, and Exhibits therein pleaded.

WHereas there is a Cauſe or Buſineſs now depending before the Right Worſhipful Sir *H. P.* Knt. Doctor of Laws, Official Principal to the ——— of ——— between *B. G.* and *E. G.* the natural and lawful Nieces by the Siſter of *E. B.* late of ——— in the County of ——— deceaſed, and *F. M.* the pretended Executor named in the pretended laſt Will and Teſtament of the ſaid Deceaſed, concerning the Validity of the ſaid pretended Will, in which Cauſe or Buſineſs the Allegation hereunto annexed, bearing Date upon the ——— Seſſion of ——— Term, to wit, upon the ——— Day of ——— was given and admitted on the Part and Behalf of the ſaid *F. M.*

Now

Now know all Men by theſe Preſents, That we the ſaid *B. G.* and *E. G.* do hereby admit and confeſs the —— —— and —— Articles of the ſaid Allegation, and the ſeveral Letters therein exhibited, marked *A. B. C.* and numbered 1, 2, 3. to be true, in the ſame Manner and Form as the ſaid Articles are pleaded; and we do alſo admit and confeſs that the ſaid *F. M.* is called Couſin *F. M.* in the Will propounded in this Cauſe, by and on the Behalf of the ſaid *F. M.* and that *J. B.* our Father, was a —— in ——'s Company at —— and there died; and in order that this our Admiſſion and Confeſſion may have their due Effect, we do hereby (without revoking our original Proxy given by us to *E. S.* our Proctor in the ſaid Cauſe) authorize and impower the ſaid *E. S.* to appear before the ſaid Sir *H. P.* Doctor of Laws, his Surrogate, or any other competent Judge in this Behalf, and for us, and in our Names, to admit and confeſs the ſaid —— Articles of the ſaid Allegation, and the ſaid ſeveral Letters marked and numbered as aforeſaid, to be true in the ſame Manner and Form as the ſaid Articles are pleaded, and alſo to admit and confeſs that the ſaid *F. M.* is called Couſin *F. M.* in the ſaid propounded Will, and that our Father *J. B.* a Legatee named in the ſaid Will, was —— in ——'s Company at —— and died there; and we do hereby promiſe to allow for firm and valid, *&c.*

Signed, *&c.*

B. G.
E. G.

An Act upon producing a Witneſs out of Court.

On —— the —— Day of —— before the Worſhipful *R. C.* Doctor of Laws, Surrogate, *&c.*

L. againſt *W.*
G. *S.*

ON which Day *G.* on the Allegation given and admitted in this Cauſe on the Part and Behalf of his Client, produced as a Witneſs *G. H.* Eſq; whom the Surrogate aforeſaid, at his Petition, admitted and adminiſtred to him the uſual Oath of a Witneſs, and alſo admoniſhed him to undergo his Examination whenever he ſhould have Notice thereof, in the Preſence of *S.* diſſenting, and having, for Interrogatories, the uſual Time, or any other Time before his Examination.

Letter

Letters miſſive to a Nobleman, citing him to appear and propound a Will, otherwiſe to ſhew Cauſe why the ſame ſhould not be declared null and void.

May it pleaſe your Lordſhip,

WHereas Requeſt hath been made to me as Surrogate to the Right Worſhipful *J. B.* Doctor of Laws, Judge of the —— Court of ——— that I ſhould grant a Citation for your Lordſhip's Appearance before the ſaid Judge, or his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) on the ——— Day after your being cited herewith, if it be a Court-Day, otherwiſe on the next Court-Day following, at the Hours accuſtomed for hearing of Cauſes there, then and there to propound in ſolemn Form of Law the pretended Will of the moſt Noble *B.* late Earl of *R.* deceaſed, bearing Date the —— Day of —— and to prove the ſame by good and ſufficient Witneſſes, otherwiſe to ſhew Cauſe why the ſaid Will ſhould not be pronounced and declared null and void at the Inſtance of the Right Honourable the Lady *C. W.* the natural and lawful Daughter, and only Child of the ſaid Earl acting by Lord *M.* her Guardian; and alſo that I ſhould intimate unto your Lordſhip, that if you ſhall not appear at the Time and Place aforeſaid, or appearing ſhall not ſhew good and ſufficient Cauſe to

the contrary, the ſaid Judge, or his Surrogate, or ſome other competent Judge in this Behalf, intends to proceed, and will proceed, to pronounce and declare null and void, to all Effects in Law, the ſaid Will, dated as aforeſaid, and further intends, and will proceed therein according to Law, your Lordſhip's Abſence in any wiſe notwithſtanding; which Requeſt I could not in Juſtice refuſe, but in Regard to your Honour and Quality, I have thought good by theſe my Letters to ſignify the Premiſſes unto you, and to deſire your Lordſhip to make your lawful Appearance accordingly; and further to do and receive in the Premiſſes as to Juſtice ſhall appertain. I am,

My Lord,

Your Lordſhip's very Humble Servant,

R. R. Surrogate.

A Monition to tranſmit an original Will in a Cauſe of Appeal.

R. S. Doctor of Laws, (*here inſert the Title of the Judge to whom the Cauſe is appealed*) of the ——— Court of —— lawfully appointed, To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout the whole ——— of —— Greeting: Whereas we rightly and duely proceeding in a certain Cauſe of Appeal and Complaint now de-

depending before us, between *J. B.* alledging himſelf to be the Nephew by the Brother and next of kin of *A. B.* late of the Pariſh of —— in the County of —— and Dioceſe of —— Spinſter, deceaſed, the Party Appellant and Complainant on the one Part, and the Reverend *A. L.* Clerk, the Executor named in the laſt Will and Teſtament of the ſaid Deceaſed, bearing Date the —— Day of —— in the Year of our Lord —— the Party Appellate and complained of, on the other Part, have, at the Petition of the Proctor of the ſaid *A. L.* interpoſed our Interlocutory Decree for tranſmitting and leaving in the Regiſtry of the —— Court of —— the original Will, bearing Date as aforeſaid, and exhibited on the Part and Behalf of the ſaid *A. L.* in the firſt Inſtance of this Cauſe (Juſtice ſo requiring;) we therefore ſtrictly injoin and command you, jointly and ſeverally, peremptorily to moniſh, or cauſe to be moniſhed, the Worſhipful *R. H.* Doctor of Laws, (*here inſert the Title of the Judge from whom the Cauſe is appealed*) to the Right Reverend Father in God *J.* by Divine Permiſſion Lord Biſhop of —— aforeſaid, his Surrogate, Regiſter, or Actuary or Actuaries in ſpecial, and all others in general, with whom the ſaid Original Will (bearing Date as aforeſaid) is or doth remain, whom we by the Tenor of theſe Preſents do likewiſe moniſh, that they, or one of them, do on or before the By-Day, to wit, —— the —— Day of —— between the Hours of —— and —— in the —— noon of the ſame Day tranſmit, or cauſe

cauſe to be tranſmitted unto us in (*here ſpecify the Place where the Court is held for hearing and determining the Cauſe*) and leave in the Regiſtry of the —— Court of —— aforeſaid, the ſaid Original Will of the ſaid Deceaſed, bearing Date the —— Day of —— in the Year of our Lord —— under Pain of the Law, and Contempt thereof, and that ye ſhall duely certify us, or our Surrogate, &c.

A Proxy appointing a Proctor to propound a Will a ſecond Time.

WHereas *J. C.* late of —— in the County of —— made his laſt Will and Teſtament, and thereof nominated, conſtituted and appointed *M. M.* (now the Wife of *C. M.*) Gentleman, ſole Executrix; and whereas a Sentence hath been already given by the Right Worſhipful *J. B.* Doctor of Laws, Judge of the —— Court of —— for the Force and Validity of the ſaid laſt Will and Teſtament, and the Probate thereof, decreed to go under Seal in the Name of the ſaid Executrix; and whereas ſince the ſaid Sentence hath been given, two Caveats have been entred againſt the Probate of the ſaid Will, the one for the Intereſt of *M. O.* (the Wife of *B. O.*) and the other for the Intereſt of *A. C.* Spinſter, who are ſaid to be Nieces by a Brother of the ſaid *J. C.* Now know all Men by theſe Preſents, That I the ſaid *M. M.* otherwiſe *W.* now the Wife of the ſaid *C. M.* Gentleman, the ſaid Executrix named in the laſt Will and

and Teſtament of the ſaid *J. C.* do hereby, with the Conſent of my ſaid Husband *C. M.* teſtified by his Signing and Sealing of theſe Preſents, conſtitute and appoint *A. Z.* one of the Procurators General of the Arches Court of *Canterbury*, to be my Proctor for me, and in my Name, to appear before the ſaid Right Worſhipful *J. B.* Doctor of Laws, Judge of the ſaid —— Court of —— his Surrogate, or any other competent Judge in this Behalf, and to propound again the ſaid laſt Will and Teſtament of the ſaid *J. C.* and to give an Allegation and produce Witneſſes, and to do every Thing that ſhall be needful and neceſſary to be done in the Premiſſes, in order to obtain another definitive Sentence for the Force and Validity of the ſaid Will, and to abide for me in Judgment until a definitive Sentence ſhall be given in the Cauſe; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctor ſhall do, or cauſe to be done for me, in and about the Premiſſes. In *Witneſs* whereof I have hereunto ſet my Hand and Seal this —— Day of —— in the Year of our Lord ——

M. M.

Signed, *&c.* *C. M.*

An

An Act of Court for an Excommunication upon Non-appearance to a Proceſs.

— Seſſ. of — Term, to wit, — Day of — &c.

The Certificate is continued.

S. againſt *S.* and others. }
C. }

WHICH Day *J. S.* Widow, the Party cited in this Cauſe to exhibit an Inventory and Account of the Goods of *T. S.* the Deceaſed, in this Cauſe, at the Suit of *J. S.* the Elder, *H. T.* and *S. C.* Widow, Legatees named in the laſt Will and Teſtament of the ſaid Deceaſed, being three Times called, and not appearing, but contumaciouſly abſenting herſelf, the Judge, in Pain of ſuch her Contumacy, at the Petition of *C.* decreed her to be excommunicated, but the ſame not to be extracted till next Court-Day, and at the further Petition of *C.* continued the Certificate of the original Citation to the ſame Time; and the Reverend *L. J.* —— of ——— in the County of ——— Presbyter, in this Behalf lawfully authorized, by reaſon of the Premiſſes, and at the like Petition of *C.* purſuant to the above Decree, hath, by a Schedule duely read and ſigned by him, excommunicated the ſaid *J. S.* Widow, by the Sentence of the greater Excommunication.

An Excommunication upon Non-appearance to a Proceſs.

J. By Divine ——— (*here inſert the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Rectors, Vicars, Chaplains, Curates and Clerks whomſoever and whereſoever in and throughout our whole —— of —— Greeting: Whereas the Right Worſhipful *T. R.* Doctor of Laws, (*here recite the Titles of the Judge*) of the —— Court of —— lawfully appointed, rightly and duely proceeding in a certain Cauſe or Buſineſs of bringing in and exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of *T. S.* late of the Pariſh of —— in the County of ——— deceaſed, as alſo of rendring a true and juſt Account of the Adminiſtration therein, and merely Spiritual, depending in Judgment before him, or his Surrogate, between *J. S.* the Elder, *H. T.* and *S. C.* Widow, Legatees named in the laſt Will and Teſtament of the ſaid Deceaſed, the Parties promoting the ſaid Cauſe or Buſineſs of the one Part, and *J. S.* Widow, the Relict and Executrix named in the ſaid Will of the ſaid Deceaſed, the Party againſt whom the ſaid Cauſe or Buſineſs is promoted, on the other Part, did at the Petition of the Proctor of the ſaid *J. S. H. T.* and *S. C.* pronounce the ſaid *J. S.* Widow, by reaſon of her manifeſt Contempt and Contumacy in not appearing lawfully before him, or his

his Surrogate, on a certain competent Day, Time and Place appointed to her the ſaid *J. S.* Widow, and long ſince paſt, purſuant to the original Mandate or Citation iſſued out againſt her in the ſaid Cauſe or Buſineſs, and duly and perſonally ſerved on her; and having been thrice publickly called, long and ſufficiently expected, and in no wiſe lawfully appearing, but contumaciouſly abſenting herſelf, and ſtill perſevering ſo to do, pronounce her Contumacious, and in Pain of ſuch her Contumacy, decreed her to be excommunicated, (Juſtice ſo requiring;) and whereas the Reverend *L. M.* Maſter of Arts, the Preſbyter in this Behalf lawfully authorized, by reaſon of the Premiſſes, and at the like Petition of the Proctor of the ſaid *J. S.* the Elder, *H. T.* and *J. C.* Widow, according to the original Mandate or Citation aforeſaid, hath in Writing excommunicated the ſaid *J. S.* Widow; We do therefore by theſe Preſents authorize, impower and injoin ye, jointly and ſeverally, that ye, or ſome or one of you, in your Pariſh Churches, on the *Sunday* or Feſtival Day next immediately following the Receipt of theſe Preſents, during the Time of Divine Service, (while the greater Part of the Congregation are preſent to hear Divine Service there,) openly and publickly denounce and declare the ſaid *J. S.* Widow, by our Authority Ordinary and Epiſcopal, to be excommunicate; and what you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify the —— of the —— Court of —— aforeſaid, *&c.*

A Schedule of an Excommunication upon Non-appearance to a Proceſs.

IN the Name of God, *Amen:* Whereas the Right Worſhipful *T. R.* Doctor of Laws, *(here inſert the Title of the Judge)* of the —— Court of ——— lawfully appointed, rightly and duely proceeding in a certain Cauſe or Buſineſs of bringing in and exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of *T. S.* late of the Pariſh of —— in the County of —— deceaſed, as alſo of rendring a true and juſt Account of the Adminiſtration therein, and merely Spiritual, depending in Judgment before him, or his Surrogate, between *J. S.* the Elder, *H. T.* and *S. C.* Widow, Legatees named in the laſt Will and Teſtament of the ſaid Deceaſed, the Party promoting the ſaid Cauſe or Buſineſs of the one Part, and *J. S.* Widow, the Relict and Executrix named in the laſt Will and Teſtament of the ſaid Deceaſed, the Party againſt whom the ſaid Cauſe or Buſineſs was promoted, on the other Part, did at the Petition of the Proctor of the ſaid *J. S.* the Elder, *H. T.* and *S. C.* pronounce the ſaid *J. S.* Widow, by reaſon of her manifeſt Contempt and Contumacy in not appearing lawfully before him or his Surrogate, on a certain competent Day, Time and Place appointed to her the ſaid *J. S.* Widow, and long ſince paſt, purſuant to the original Mandate or Citation iſſued out againſt her in the ſaid Cauſe or Buſi-

Buſineſs, and duely and perſonally ſerved on her; and having been thrice publickly called, long and ſufficiently expected, and in no wiſe lawfully appearing, but contumaciouſly abſenting herſelf, and ſtill perſevering ſo to do, pronounce her Contumacious, and for ſuch her Contumacy decreed her to be excommunicated, under Sentence of the greater Excommunication, (Juſtice ſo requiring;) Therefore we *L. J.* Curate of —— in the County of —— Preſbyter, in this Behalf lawfully authorized, by reaſon of the Premiſſes, and at the like Petition of the Proctor of the ſaid *J. S. H. T.* and *J. C.* purſuant to the above Decree, do by theſe Preſents excommunicate her the ſaid *J. S.* by the Sentence of the greater Excommunication.

This Schedule of Excommunication was read the ——Day of —— by me *T. O.*

A Significavit *to the King, in order to obtain a Writ granted to take an excommunicated Perſon into Cuſtody.*

TO our moſt Serene Prince in Chriſt, and Sovereign Lord *George* the Second, by the Grace of God of *Great Britain, France* and *Ireland* King, Defender of the Faith: We *J.* by Divine —— (*here inſert the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) with all Duty, Submiſſion and Obedience due to ſo Illuſtrious a Prince, Greeting, and wiſhing Proſperity

ſperity here and hereafter, in him by whom Kings Reign, and Princes bear Rule, we do with all humble Obedience ſignify and make known to your Royal Majeſty, That the Right Worſhipful *J. B.* Doctor of Laws, (*here mention the Title of the Judge*) of the —— Court of —— lawfully appointed in a certain Cauſe or Buſineſs of bringing in and exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of *T. S.* late of the Pariſh of ——— in the County of —— deceaſed, as alſo of rendring a true and juſt Account of the Adminiſtration therein, and merely Spiritual, now depending in Judgment before him, or his Surrogate, between *J. S.* the Elder, *H. T.* and *S. C.* Legatees named in the laſt Will and Teſtament of the ſaid Deceaſed, the Party promoting the ſaid Cauſe or Buſineſs of the one Part, and *J. S.* Widow, the Relict and Executrix named in the laſt Will and Teſtament of the ſaid Deceaſed, the Party againſt whom the ſaid Cauſe or Buſineſs was promoted, on the other Part, hath at the Petition of the Proctor of the ſaid *J. S. H. T.* and *S. C.* pronounced the ſaid *J. S.* Widow, Contumacious, (by reaſon of her manifeſt Contempt and Contumacy in not appearing lawfully on a certain competent Day, Time and Place appointed to her the ſaid *J. S.* Widow, and long ſince paſt, purſuant to the original Mandate or Citation iſſued out againſt her in the ſaid Cauſe or Buſineſs, and duely and perſonally ſerved on her; and having been thrice publickly called, long and ſufficiently expected, and in no wiſe lawfully appearing, but contu-

maciouſly abſenting herſelf, and ſtill perſevering ſo to do) and decreed her to be excommunicated, and commanded and cauſed her to be openly and publickly denounced Excommunicate in the Face of the Church, by a Presbyter lawfully authorized in that Behalf, whilſt the greater Part of the Congregation was preſent to hear Divine Service there, and under the Sentence of Excommunication for forty Days and more, ſince the Publiſhing thereof, through an obſtinate and incorrigible Diſpoſition ſtood, and doth now ſtand, in Contempt of your Majeſty's Authority and Juriſdiction Eccleſiaſtical, to the great Prejudice of her Soul's Health, and pernicious Example of other good Chriſtians; and whereas the Eccleſiaſtical Laws have no further Power in this Behalf, we therefore humbly ſupplicate and beſeech your Majeſty, in order to reform the Contumacy and Contempt of the ſaid *J. S.* ſo excommunicated as aforeſaid, that your Majeſty would vouchſafe to be graciouſly pleaſed, purſuant to the Laws and laudable Cuſtoms and Statutes of this Realm, to extend your Royal Aid, and Command to your Secular Officers, to take and impriſon the Body of the ſaid *J. S.* that they, whom the Fear of God will not reclaim from their evil Ways, your Majeſty's Obſervance may force and compel; and may the Almighty long preſerve your Majeſty, to the well governing your People. In Teſtimony whereof we have cauſed the Seal of our ——— Court of ——— to be affixed to theſe Preſents. *Dated* the ——— Day of ——— in

——in the Year of our Lord —— and in the —— Year of our Tranſlation.

An Abſolution from an Excommunication upon Non-appearance to a Proceſs.

E. By Divine Permiſſion Biſhop of——. To all and ſingular Rectors, Vicars, Chaplains, Curates and Clerks whomſoever and whereſoever in and thro'out our whole Dioceſe of——— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of our——— Court of —— lawfully appointed, rightly and duely proceeding, hath abſolved and reſtored to the Communion of the Faithful *J. S.* Widow, of the Pariſh of—— in the County of——and Dioceſe of—— from a certain Sentence of Excommunication, heretofore pronounced againſt her for her manifeſt Contempt and Contumacy in not appearing before our ſaid——— his Surrogate, or ſome other competent Judge, in a certain Cauſe or Buſineſs of bringing in and exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of *T. S.* late of the Pariſh of—— in the County of—— deceaſed, as alſo of rendring a true and juſt Account of the Adminiſtration therein, and merely Spiritual, depending in Judgment before him, or his Surrogate, between *J. S.* the Elder, *H. T.* and *S. C.* Widow, Legatees named in the laſt Will and Teſtament, the Parties promoting the ſaid Cauſe or Buſineſs, of the

one Part, and the ſaid *J. S.* Widow, the Relict and Executrix named in the ſaid Will of the ſaid Deceaſed, the Party againſt whom the ſaid Cauſe or Buſineſs is promoted, of the other Part, ſhe having firſt made Oath to obey the lawful Orders and Commands of her Ordinary in all Things juſt and lawful, for the future, (Juſtice ſo requiring;) we therefore do ſtrictly injoin and require you the ſaid Rectors, Vicars, Chaplains, Curates and Clerks, jointly and ſeverally, upon Pain of the Law, and Contempt thereof, on the next Lord's Day, or Feſtival, after Receipt hereof, in your reſpective Pariſh Churches, or one of them, during the Time of Divine Service, and while the greater Part of the Congregation are there aſſembled together for Holy Worſhip, publickly and openly denounce and declare, or cauſe to be denounced and declared, that the ſaid *J. S.* was and is by our Authority as Ordinary abſolved from the ſaid Sentence of Excommunication formerly read and publiſhed againſt her as aforeſaid, and reſtored to the Communion of the Faithful in Chriſt, and that ſhe is ſo accordingly abſolved and effectually reſtored; and what ye ſhall do, or cauſe to be done in the Premiſſes, ye ſhall duely certify our ſaid ——— (*here inſert the Title of the Judge*) his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of ——— in the Year of our Lord ——

A Sentence invalidating a Will, and pronouncing an Inteſtacy, as alſo granting Letters of Adminiſtration thereby to the next of Kin.

IN the Name of God, *Amen:* We *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed, rightly and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Teſtamentary Buſineſs, or proving by Witneſſes the pretended laſt Will and Teſtament of *A. B.* late of —— in the County of —— deceaſed, [*if in the Prerogative Court of* Canterbury, *then uſe theſe Words:* Having whilſt living, and at the Time of his Death, Goods, Chattels or Credits in divers Dioceſes or Juriſdictions, ſufficient to found the Juriſdiction of our Prerogative Court of *Canterbury*] which is now controverted, and remains undetermined before us in Judgment, between *C. D.* (*here inſert the Intereſt of the Plaintiff*) the Party promoting the ſaid Buſineſs, of the one Part, and *E. F.* (*here inſert the Intereſt of the Defendant*) the Party againſt whom the ſaid Buſineſs is promoted, on the other Part; and the Paries aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *E. F.* praying Sentence to be given, and Juſtice to be done to his Party; and the Proctor of the ſaid *C. D.* alſo earneſtly praying —— to be done to his Party, and having carefully and diligently ſearched into and conſidered of the

whole Proceedings had and done before us in this Buſineſs, and having obſerved all and ſingular the Matters and Things that by Law ought to be obſerved in this Behalf, we have thought fit, and do thus think fit, to proceed to the giving our definitive Sentence, or final Decree in this Buſineſs, in Manner and Form following, (to wit,) Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Buſineſs, we have found, and it doth evidently appear unto us, that the Proctor of the ſaid *C. D.* hath not ſufficiently founded and proved his Intention, deduced in a certain Allegation, and in the pretended Will, and other Pleadings and Exhibits given in, exhibited and admitted on his Behalf in this Buſineſs, and now remaining in the Regiſtry of this Court, but hath intirely failed in the Proof thereof, (which Allegation, pretended Will, and other Pleadings and Exhibits, we take, and will have taken, as if here read and inſerted;) and that the Proctor of the ſaid *E. F.* hath ſufficiently founded and proved his Intention, deduced in a certain Allegation, and other Pleadings and Exhibits, given in, exhibited and admitted on the Behalf of his Party in this Buſineſs, and now alſo remaining in the Regiſtry of this Court, (which Allegation, and other Pleadings and Exhibits, we take, and will have taken, as if here read and inſerted) for us to pronounce as herein after mentioned; therefore we *J. B.* Doctor of Laws, the Judge aforeſaid, having firſt called upon the Name of Chriſt, and having God alone before our Eyes,

Eyes, and having heard Counſel in this Behalf, do hereby pronounce, decree and declare the ſaid pretended Will of the ſaid Deceaſed, bearing Date the ——— Day of ——— in the Year of our Lord ——— in which the ſaid *C. D.* is pretended to be (*here inſert the Intereſt of the Plaintiff*) to be null, void and invalid to all Intents and Purpoſes, and to have no Force or Validity in Law whatſoever, and do declare the ſaid Deceaſed to have departed this Life Inteſtate, without making any Will; and we do hereby decree Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, as dying Inteſtate, to be granted and committed to the ſaid *E. F.* (*here inſert the Intereſt of the Defendant*) upon her giving ſufficient Security for the ſame; and we do hereby alſo pronounce, decree and declare, that the ſaid *C. D.* ought to be condemned in all lawful Coſts and Expences made, and to be made in this Buſineſs, on the Part and Behalf of the ſaid *E. F.* or her Proctor, in this Behalf; and we do condemn him the ſaid *C. D.* in the ſaid Coſts, by this our definitive Sentence or final Decree, which we read and promulge by theſe Writings, the Taxation or Moderation of which Coſts we reſerve to us, our Surrogate, or ſome other competent Judge in this Behalf.

A Sentence againſt a Grievance, and the Cauſe retained, reſerving the Coſts of the Appeal.

IN the Name of God, *Amen:* We *J. B.* Doctor of Laws, (*here recite the Title of the Judge*) of the ——— Court of —— lawfully appointed, rightly and duely Proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Cauſe of Appeal and Complaint of Nullity which is controverted, and now remains undetermined before us in Judgment between *A. B.* of ——— in the County of ——— and Dioceſe of ——— and in the Province of ——— the Party Appellant and Complainant on the one Part, and *C. D.* of ——— in the County of ——— and Dioceſe of —— and Province aforeſaid, the Party Appellate and complained of, on the other Part, and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *A. B.* praying Sentence to be given, and Juſtice to be done to his Party, and the Proctor of the ſaid *C. D.* alſo earneſtly praying ——— to be done to his Party, and having carefully and diligently ſearched into, and conſidered of the whole Proceedings had and done before us in this Cauſe, and having obſerved all and ſingular the Matters and Things that by Law in this Behalf ought to be obſerved, we have thought fit, and do thus think fit, to proceed

ceed to the giving our definitive Sentence, or final Decree in this Cauſe, in Manner and Form following, (to wit,) Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Cauſe, we have found, and it doth evidently appear to us, that the Proctor of the ſaid *A. B.* hath not ſufficiently founded and proved his Intention, deduced in a certain Libel of Appeal, and other Pleadings and Exhibits given in and admitted on his Behalf in this Cauſe, and now remaining in the Regiſtry of this Court, (which Libel of Appeal, and other Pleadings and Exhibits, we take, and will have taken, as if here read and inſerted) but hath totally failed in the Proof thereof; therefore we *J. B.* Doctor of Laws, the Judge aforeſaid, firſt calling upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare for null and invalid, to all Effects in Law, the pretended Appeal and Complaint on the Behalf of the ſaid *A. B.* in this Cauſe howſoever interpoſed, and that the ſame were and are null and unjuſt, and in Law altogether invalid, and were made and interpoſed from Cauſes no wiſe true, juſt or lawful, and have not, nor ought not to have, any Force, Avail or Effect in Law whatſoever, and that the Judge from whom it is appealed, and of whom it is ſo complained, hath rightly, juſtly and lawfully proceeded, pronounced and decreed; and we do ratify and confirm the Decree by him made and interpoſed however by and with the Conſent

ſent of *C. D.* the Party Appellate; we do hereby retain the principal Cauſe, with all its Incidents, Emergents, Dependants and Things adjoined and connected thereto, belonging or appertaining; and we do pronounce, decree and declare, that the ſaid *A. B.* ought by Law to be condemned in Coſts, made and to be made in this Cauſe of Appeal, on the Part and Behalf of the ſaid *C. D.* interpoſed to be paid unto the ſaid *C. D.* or to his Proctor; and we do accordingly condemn him in ſuch Expences, but the Taxation or Moderation of the ſame we reſerve to us, our Surrogate, or ſome other competent Judge in this Behalf, by this our definitive Sentence or final Decree, which we read and promulge by theſe Writings.

A Sentence pronouncing for the Validity of a Will.

IN the Name of God, *Amen:* We *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the ——— Court of ——— lawfully appointed, rightly and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Teſtamentary Buſineſs, or proving by Witneſſes the Teſtament or laſt Will in Writing of *A. B.* late of ——— in the County of ——— deceaſed, [*if in the Prerogative Court of* Canterbury, *then uſe theſe Words:* Having whilſt living, and at the Time of his Death, Goods, Chattels or Credits in divers Dioceſes

ceſes or Juriſdictions, ſufficient to found the Juriſdiction of the Prerogative Court of *Canterbury*] which is now controverted, and remains undetermined before us in Judgment, between *C. D.* (*here inſert the Plaintiff's Intereſt*) the Party promoting the ſaid Buſineſs, of the one Part, and *E. F.* (*here inſert the Defendant's Intereſt*) the Party againſt whom the ſaid Buſineſs is promoted, on the other Part; and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *C. D.* praying Sentence to be given, and Juſtice to be done to his Party, and the Proctor of the ſaid *E. F.* alſo earneſtly praying —— to be done to his Party; (*a*) and we having firſt carefully and diligently ſearched into, and conſidered of the whole Proceedings had and done before us in this Buſineſs, and having obſerved all and ſingular the Matters and Things that by Law in this Behalf ought to be obſerved, we have thought, and do thus think fit, to proceed to the giving of our definitive Sentence, or final Decree in this Buſineſs, in Manner and Form following, (to wit) Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Buſineſs, we have found, and it doth evidently appear unto us, that the Proctor of the ſaid *C. D.* hath ſufficiently and fully founded and proved his Intention, deduced in a certain Allegation and laſt Will and Teſtament of the ſaid *A. B.* deceaſed, and other Pleadings and Exhibits given in, exhibited and admitted on his Behalf in this Buſineſs, and now remaining in

(*a*) If you proceed *in pœnam*, read as follows: But the ſaid —— being heretofore duely, lawfully and perſonally cited, intimated, called for, long and ſufficiently, and to this Time expected, and in no wiſe appearing, but contumaciouſly abſenting himſelf, and being pronounced Contumacious, in Pain of ſuch his Contumacy.

in the Regiſtry of this Court, (which ſaid Allegation, and laſt Will and Teſtament of the ſaid Deceaſed, and other Matters propounded, exhibited and admitted in this Buſineſs, we take, and will have taken, as if here read and inſerted) for us to pronounce as hereinafter mentioned; and that nothing, at leaſt nothing effectual, hath on the Part and Behalf of the ſaid *E. F.* been excepted, deduced, exhibited, propounded, proved or confeſſed in this Buſineſs, which may or ought in any wiſe Defeat, Prejudice or Weaken the Intention of the ſaid *C. D.* therefore we *J. B.* Doctor of Laws, the Judge aforeſaid, having firſt called upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare, that the aforeſaid *A. B.* the Teſtator in this Cauſe, deceaſed, whilſt living being of ſound and perfect Mind, Memory and Underſtanding, rightly and duely made his laſt Will and Teſtament in Writing, exhibited and pleaded in this Buſineſs, bearing Date the —— Day of —— in the Year of our Lord —— and thereof named and appointed the ſaid *C. D.* ſole Executor, and did will, give and bequeath, and do in all Things as therein is contained; and we do pronounce, decree and declare, for the Force and Validity of the ſaid laſt Will and Teſtament of the ſaid Deceaſed, to all Intents and Purpoſes in Law whatſoever, and we do approve of and receive the ſame by this our definitive Sentence or final Decree, which we read and promulge by theſe Writings.

CHAP.

CHAP. III.

Of Inteſtacies, or Inteſtates Eſtates.

IF a Man dies Inteſtate, leaving a Widow and Children, the Court uſually grants the Adminiſtration to the Widow, preferable to all or any of the Children; but if the Widow can be made appear to be a Perſon of ill Character, and not fit to be intruſted with the Management of the Perſonal Eſtate, the Court will grant it to one or more of the Children; for the Act of Parliament directs the Ordinary to grant it to the Widow or next of Kin of the Deceaſed.

When there is a Widow and no Children, the ſame Rule will hold as to the next Collateral Kindred, with this Difference, that the Objections are required to be ſtronger againſt the Widow, to deveſt her of the Adminiſtration in Favour of Collateral Kindred, than of Children, becauſe ſhe has in her own Right a greater Share in the Diſtribution of the Eſtate than where there are Children.

When there are Children and no Widow, the Adminiſtration is granted *primo petenti*, without Regard to the Priority of Birth or Sex; but if any of the Children enter a Caveat, and ſeveral of the Children are Competitors for the Adminiſtration, the

Court will grant it to them that appear moſt worthy of the Truſt, ſometimes to one only, and ſometimes to more.

When there is neither Wife or Children, but a Father, the Adminiſtration belongs ſolely to the Father, and the whole Perſonal Eſtate is his own Property.

Where there is no Father, but Mother, Brothers and Siſters, the Adminiſtration muſt be committed to the Mother, but all the Brothers and Siſters, and their Repreſentatives, if any of them are dead, have an equal Share in the Diſtribution of the Perſonal Eſtate with the Mother.

If there be a Mother and no Widow, Child, or Brother or Siſter, the Adminiſtration, and whole Perſonal Eſtate, goes to the Mother.

A Perſon dying Inteſtate, leaving a Widow and Children, one Third Part of his Perſonal Eſtate will belong to his Widow, the Remaining two Thirds among his Children.

If he leaves a Widow and no Children, the one Half to his Widow, and the Remaining Half to his next of Kin.

If a Freeman of *London* dies Inteſtate, leaving Widow and Children, the Widow ſhall have four Parts in nine, (that is,) one Third Part, and a Third of another Third, beſides the Furniture of her Chamber.

If he leaves a Widow and no Children, the Widow ſhall have three Parts in four, (that is,) one Half by Law, and one Half of the Remaining Half Part, by the Cuſtom of *London*.

Of Diſtributions Eccleſiaſtical and Civil.

DIſtributions, which borrowed their Name from the *Latin* Verb *Diſtribuo*, are, in the Senſe of the Canon Law, that Portion of Profits which in the Romiſh Church ought every Hour to be divided and given *pro rata Servitii præſtiti*, unto ſuch as are preſent at Divine Service; but commonly they are called daily Diſtributions, either becauſe ſuch Perſons require them as are daily preſent at Divine Offices, or elſe becauſe they are diſtributed to each individual Perſon *juxta Quotam Officii*, which he daily attends, that is to ſay, in other Terms, according to the Merits of each Perſon that aſſiſts every Day at Divine Service, which is publickly performed in ſome appointed Place (*a*). Sometimes theſe Diſtributions are in *Latin* called *Veſtuaria*, or *Victualia*, becauſe they conduce to the Apparel and daily Subſiſtence of ſuch as attend Divine Service (*b*); tho' the Name, ſtrictly ſpeaking, ſeems rather adapted to the Fruits of a Benefice, than to Canonical Diſtributions, which are often by another Name called daily Portions; and ſometimes they are in *Latin* ſtyled *Sportulæ*, or *Diaria*, taking their Likeneſs from the Gifts and Preſents which are as it were made every Day to Judges on the Account of their Office (*c*). And ſometimes they come under the Name of an Emolument of Benefices or Prebends, as being a certain Kind of Profits

(*a*) X. 3. 5. 19.

(*b*) X. 3. 4. 7.

(*c*) *Dur. de Ric. lib.* 3. *c.* 25. *N.* 4.

fits which ariſes from Benefices and Prebends; and ſometimes they are couched under the Style of *Redditus Eccleſiaſtici*, not only becauſe they ariſe from Eccleſiaſtical Benefices, but becauſe the Word *Redditus* may ſometimes be adapted to them, tho' the Style *Fructus Beneficii*, properly taken, is not ſuitable to Diſtributions (*a*). But it has been a Doubt with ſome, whether Diſtributions are diſtinguiſhed from Fruits, or are couched under the Word *Fructus*; to which I anſwer, that regularly ſpeaking Diſtributions are in their own Nature diſtinct from Fruits; and it plainly appears from the Council of *Trent*, becauſe the Fruits of a Benefice are ſtyled the yearly Rents which are uſually collected from certain Eſtates belonging to the Church; but Diſtributions are a certain Portion which ariſes from the Profits of a Benefice, and ſhall be conferred, as aforeſaid, on ſuch as ſhall aſſiſt at Divine Service, *Juxta Quotam Officii*, &c.

(*a*) X. 3. 5. 19.

And hence it is we may infer, that a Perſon who is deprived of his Diſtributions on the Score of a Crime committed, is not for that reaſon deemed to be deprived of his Fruits of his Prebend or Benefice, becauſe the Fruits of a Prebend or Benefice do not come under the Name of Diſtributions, properly ſpeaking, unleſs ſomething elſe be expreſſed; for that we are herein concerned in a Penal Matter, wherein the more benign Interpretation ought to be made: But this ought only thus to be underſtood, when ſuch Prebend or Benefice yields both Fruits and Diſtributions. *Secondly*, a Penſion impoſed

poſed on any Benefice is not deemed to be laid on Diſtributions, but only on the Fruits of ſuch Benefice, unleſs the Benefice conſiſts in Diſtributions alone, or unleſs ſomething elſe be expreſſed, becauſe a Penſion, when nothing elſe is expreſſed, is wont to be laid on the Fruits of ſuch Prebend or Benefice; but ſince this Kind of Diſtributions is not well known here in *England*, it being only common in Popiſh Countries, I will add nothing more of them, but proceed to ſpeak of a Civil Diſtribution, which is made by the Ordinary of the Inteſtate's Goods and Chattels, according to the Laws of this Realm (*a*) and the Civil and Canon Law on this Head.

(*a*) 22 & 23 *Car.* 2. *c.* 12,

For according to the Statute of the Realm, the Ordinary may call Adminiſtrators to an Account, and order a Diſtribution to be made of what remains in their Hands after Debts, Funerals, and juſt Expences of all Sorts allow'd, according to the Laws in ſuch Caſes, and the Rules hereafter ſet down; ſaving to Perſons aggrieved their Right of Appeal, and the Surpluſage ſhall be diſtributed as follows, *viz.* one Third to the Inteſtate's Wife, and the Reſidue among his Children, and ſuch as legally repreſent them, if any of them be dead, other than ſuch Children (not Heirs at Law) who ſhall have any Eſtate by Settlement of the Inteſtate in his Life-time, equal to the other Shares; Children, other than Heirs at Law, advanced by Settlements or Portions not equal to the other Shares, ſhall have ſo much of the Surpluſage as ſhall make the Eſtates of all to be

equal; but the Heir at Law ſhall have an equal Part in the Diſtribution with the other Children, without any Conſideration of what he has by Deſcent or otherwiſe from the Inteſtate. If there be no Children, or legal Repreſentatives of them, then one Moiety ſhall be allotted to the Wife, the Reſidue to be equally diſtributed among the next of Kindred to the Inteſtate in equal Degree, and thoſe who repreſent them; but no Repreſentatives ſhall be admitted among Collaterals after Brothers and Siſters Children; and if there be no Wife, all ſhall be diſtributed among the Children; and if no Child, then to the next of Kin to the Inteſtate in equal Degree, and their Repreſentatives, *ut ſupra.*

No ſuch Diſtribution ſhall be made till one Year after the Inteſtate's Death, and every one, to whom any Shares ſhall be allotted, ſhall give Bonds with Sureties, in the Spiritual Courts, that if Debts be afterwards made to appear, he will refund his ratable Part thereof towards the Payment of ſuch Debts, and of the Adminiſtrator's Charges. And in all Caſes where the Ordinary has uſed to grant Adminiſtration (*cum Teſtamento annexo*) he ſhall continue ſo to do; but by a ſubſequent Act of Parliament (*a*) this Act of the 22 & 23 *Car.* 2. *cap.* 10. ſhall not extend to the Eſtates of Feme Coverts that die Inteſtate, but that their Husbands may have Adminiſtration of the Perſonal Eſtates, as before the making of the ſaid Act, both of which Acts of Parliament were made perpetual by the firſt of King *James* the Second (*b*), tho' at

(*a*) 29 *Car.* 2. *c.* 3.

(*b*) *Cap.* 17.

at firſt they were only enacted by the Space of ſeven Years, and from thence to the End of the next Seſſion of Parliament.

One *E. S.* dying Inteſtate left behind her two Brothers, the one of the Whole, and the other of the Half Blood (*a*); and in the Eccleſiaſtical Court they would admit the Half Blood to come in for Diſtribution with the Whole Blood on the aforeſaid Statute (*b*); upon which a Prohibition was granted, and hereunto there was a Demurrer; and the Queſtion aroſe on theſe Words in the Act, *viz.* That Diſtribution is to be made to the next of Kin to the Inteſtate, who are in equal Degree, and ſuch as legally repreſent them. It was argued for the Plaintiff, that Statutes ought to be expounded by the Common Law, which conſiders not the Half Blood, inſomuch that an Eſtate ſhall rather Eſcheat than deſcend to the Half Blood. On the contrary it was argued, that tho' the Half Blood was rejected in Deſcents, yet it is regarded in other Caſes, as that Letters of Adminiſtration may be granted to the Half Blood, and the Half Blood may be Guardian in Socage (*c*). Again, there cannot be made two Degrees of the Whole and Half Blood, nor does the Common Law diſtinguiſh when it wholly excludes it. The Court ſaid, that the Intent of this Act was to give the Eccleſiaſtical Court Juriſdiction in this Matter, and to provide for the Diſtribution of Inteſtate Eſtates, which they had a long Time attempted and conteſted, but were ſtill prohibited; but this Act permits them to proceed. The Court, being

(*a*) *Vent. Rep. Part* 1. *p.* 323.

(*b*) 22 & 23 *Car.* 2. *c.* 10.

(*c*) *Roll. Abr.* 103. *Stil. Rep.* 7. & 75.

informed by Civilians, was of Opinion, that the Half Blood ſhould come in for the Diſtribution of Inteſtate Eſtates on this Act; for as to the granting of Adminiſtrations, the being of a Guardian in Socage, and the like, a Brother of the Half Blood may be taken to be nearer of Kin than a more remote Kinſman of the whole Blood (*a*).

(*a*) *Moor Rep.* *p.* 635. *Roll. Rep.* *p.* 114.

Upon an Appeal to the Houſe of Lords, the Lords, by Advice of ſeveral Judges, decreed, that upon the Statute giving Diſtribution of Inteſtates Perſonal Eſtates, the Half Blood ſhould have equal Share with thoſe of the Whole Blood, being of Kindred of the ſame Degree or Repreſentation (*b*).

(*b*) *Vent. Rep.* 2. *p.* 317.

On the 10th of *May* 1681. *W. E. L. &c.* all Doctors of the Civil Law, certified to the Lord Chief Juſtice *North*, that as to the Diſtribution of Inteſtates Eſtates among Collaterals, the Civil Law, and the Practice of Eccleſiaſtical Courts, has conſtantly obſerved theſe two Rules, *viz. Firſt*, That Repreſentation has only Place as to Brothers and Siſters Children; *Secondly*, If there be no ſuch Repreſentation, then to the Collaterals next of Kin (to the Inteſtate) whether one or more ſhall have Diſtribution only (*c*).

(*c*) *Raym. Rep.* *p.* 506.

An Affirmation of an Adminiſtratrix a Quaker.

I *J. G.* do ſolemnly, ſincerely, and truly affirm and declare, that I am a Diſſenter from the Church of *England*, commonly called a Quaker, and that *J. G.* late of —

in

in the County of —— departed this Life —— (a) Inteſtate, without making any Will, as far as I know and believe, and that I am the natural and lawful Daughter of the ſaid Deceaſed, and that I will well and truly adminiſter his Eſtate, by paying his Debts as far as the ſame will thereto extend, and the Law bind me; and that I will bring in a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, and paſs a juſt Account of my Adminiſtration therein, when lawfully called ſo to do.

(a) Inſert whether the Deceaſed was a Widower.

J. G.

—— Day of —— the ſaid *J. G.* made the Affirmation aforeſaid according to Act of Parliament in that Behalf made and provided, before me *T. S.* Surrogate.

An Act of Court upon the Grant of Adminiſtration to the Widow.

On ——— the ——— Day of ——— in the Year of our Lord —— before the Worſhipful *R. C.* Doctor of Laws, a Surrogate, in his Chambers, *&c.* preſent the underwritten Notary Publick.

A Buſineſs of granting Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *A. B.* late of the Pariſh of ——— in the County of —— deceaſed, to *E. B.* Widow, the Relict of the ſaid Deceaſed. Upon which Day appeared perſonally the ſaid *E. B.* Widow, and alledged, that the ſaid Deceaſed departed this Life fourteen Days ſince Inteſtate, without making any Will, that ſhe is the Widow and Relict of the ſaid Deceaſed, wherefore ſhe prayed, and the ſaid Surrogate, at her Petition, decreed Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, to be granted and committed to her, giving ſufficient Security for the ſame, ſhe having firſt taken an Oath, as well concerning the Truth of the Premiſſes, as alſo of her due and faithful Adminiſtration of the Perſonal Eſtate of

of her ſaid late Husband deceaſed (*a*); and thereupon decreed Letters Teſtimonial to be granted.

(*a*) If the Effects be under 40 *l.* 20 *l.* or 5 *l.* add theſe Words: And that the Effects of the ſaid Deceaſed did not amount to the Sum of —— mentioning the Sum.

This I atteſt,

R. C. Notary Publick.

An Act of Court upon the Widow's renouncing the Letters of Adminiſtration.

On —— the ——— Day of —— in the Year of our Lord ——— before the Worſhipful *J. A.* Doctor of Laws, a Surrogate in his Chambers in ——— in the Preſence of the Notary Publick underwritten.

A Buſineſs of renouncing the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *A. B.* late of the Pariſh of —— in the County of ——— deceaſed, made by *E. B.* Widow, the Relict of the ſaid Deceaſed.

Upon which Day appeared perſonally the ſaid *E. B.* Widow, and alledged, that the ſaid Deceaſed lately departed this Life Inteſtate, without making any Will; that ſhe is the Widow and Relict of the ſaid Deceaſed, and that for divers good Cauſes and Conſiderations her

her thereunto ſpecially moving, doth expreſly renounce the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; wherefore ſhe prayed, and the ſaid Surrogate, at her Petition, (ſhe having firſt taken the Oath required by Law in this Behalf, as well concerning the Truth of what ſhe hath alledged as above, as alſo that ſhe hath not intermeddled, nor doth intend to intermeddle, with any Part of the ſaid Deceaſed's Effects, and doth renounce the Letters of Adminiſtration thereof, without any Colluſion or Deſign to defraud his Creditors) admitted this her Renunciation, as far as by Law may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted.

This I atteſt,

R. W. Notary Publick.

A Proxy for a Widow to renounce Letters of Adminiſtration.

KNOW all Men by theſe Preſents, That I *A. B.* the Widow and Relict of *F. B.* late of the Pariſh of ——— in the County of —— deceaſed, for divers good Cauſes and Conſiderations me hereunto ſpecially moving, do renounce the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; and to the End that this my Renunciation may have its due Effect, I do

do hereby nominate, conſtitute and appoint *E. F.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, to be my true and lawful Proctor for me, and in my Name, to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Renunciation, and pray the ſame to be admitted and enacted; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctor ſhall lawfully do, or cauſe to be done for me, and in my Name, in and touching the Premiſſes. In *Witneſs*, &c.

A. B.

An

An Act of Court upon exhibiting the ſaid Proxy of Renunciation, and praying the ſame to be admitted.

——— Day of ——— in the Year of our Lord ——— before the Worſhipful *A. B.* Doctor of Laws, Surrogate, in his Chamber in ——— in the Preſence of the Notary Publick underwritten.

A Buſineſs of renouncing the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *B. B.* late of the Pariſh of ——— in the County of ——— deceaſed, made by *C. B.* Widow, the Relict of the ſaid Deceaſed.

Upon which Day *W.* exhibited his ſpecial Proxy under the proper Hand and Seal of the ſaid *C. B.* Widow, and made himſelf a Party for her, and alledged, that the ſaid Deceaſed lately departed this Life Inteſtate, without making any Will, and that his ſaid Party was and is the Widow and Relict of the ſaid Deceaſed, and that for divers good Cauſes and Conſiderations her thereunto ſpecially moving, hath expreſly renounced the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, as by the ſaid ſpecial Proxy before exhibited (to which the ſaid *W.* refers himſelf) may more fully and at large appear; wherefore the ſaid *W.* prayed, and the

the ſaid Surrogate, at his Petition, admitted the ſaid ſpecial Proxy and Renunciation exhibited as aforeſaid, as far as by Law may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted.

This I atteſt,

B. D. Notary Publick.

An Act of Court for a Commiſſion to ſwear a Widow Adminiſtratrix.

—— Day of —— in the Year of our Lord —— *&c.*

A Buſineſs of granting Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *A. B.* late of the Pariſh of —— in the County of —— deceaſed, to *E. B.* Widow, the Relict of the ſaid Deceaſed.

Upon which Day *W.* exhibited his Proxy for the ſaid *E. B.* Widow, and made himſelf a Party for her, and alledged, that the ſaid Deceaſed departed this Life (*a*) — Inteſtate, without making any Will; that his ſaid Party was and is the Widow and Relict of the ſaid Deceaſed, and is now reſiding in remote Parts; wherefore he prayed, and the ſaid Surrogate, at his Petition, decreed Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, to be granted and committed to his ſaid Party, giving ſufficient Security for

(*a*) Specify the Time.

for the ſame, as alſo a Commiſſion to ſwear his ſaid Party, as well concerning the Truth of the Premiſſes, as alſo for her due and faithful Adminiſtration of all and ſingular the ſaid Goods, Chattels and Credits of the ſaid Deceaſed, and alſo for the taking of a Bond from his ſaid Party, together with two ſufficient Sureties in this Behalf, for her faithful Adminiſtration therein *, to be directed to the Reverend *A. B. C. D.* Clerks, reſpectively reſiding in or near the ſaid County jointly and ſeverally.

This I atteſt,

B. D. Notary Publick.

* *Note*; If the Widow is to be ſworn to an Inventory at the ſame Time, add theſe Words: *With a Clauſe to be inſerted for ſwearing the ſaid* E. F. *to the Truth of the Inventory hereunto annexed.*

A Letter of Attorney from a Creditor, impowering a Perſon to give a Receipt for her to the Adminiſtrator.

Whereas *A. C.* late of the Pariſh of ——— in the County of ——— departed this Life Inteſtate, without any Relations, and ſince his Death Letters of Adminiſtration of all and ſingular his Goods, Chattels and Credits, have been granted and committed to *J. S.* Gent. for the Uſe and Benefit of our Sovereign Lord the King; and whereas the ſaid Deceaſed did at the Time of his Death ſtand indebted to *A. V.* Spinſter, in ſeveral Sums of Money, and ſhe the ſaid *A. V.* did alſo after his Death bury the ſaid Deceaſed, and paid and diſcharged his Funeral Expences.

NOW know all Men by theſe Preſents, That I the ſaid *A. V.* do hereby nominate, conſtitute and appoint my Brother in Law *J. P. C.* to be my lawful Attorney for me, and in my Name to ask, demand, ſue for and receive for my Uſe from the ſaid *J. S.* Adminiſtrator to the ſaid *A. C.* all ſuch Sum and Sums of Money due to me from the ſaid Deceaſed, as well in his Life-time, as alſo what I have advanced ſince upon Account of his Funeral, or upon any other Account whatſoever; and upon the Receipt thereof I do hereby give full Power and Authority unto my ſaid Attorney,

ney, for me, and in my Name, to give ſuch Receipts and Diſcharges as ſhall be thought proper and convenient, in as full and ample Manner as I myſelf might or could do if I was perſonally preſent; and I do hereby promiſe to allow for firm and valid whatſoever my ſaid Attorney ſhall lawfully do, or cauſe to done, in the Premiſſes. In *Witneſs*, &c.

Signed, &c. *A. V.*

A Certificate to ſtop the Payment of a Ship to a pretended Adminiſtrator.

THESE are to certify whom it doth or may concern, That a Decree iſſued under the Seal of the —— Court of —— the —— Day of ——— againſt *M. F.* Widow, aſſerting herſelf to be the Relict, as alſo the Adminiſtratrix of all and ſingular the Goods, Chattels and Credits of *J. F.* late belonging to the King's Ship the——— but in his Majeſty's Ship the —— deceaſed, to appear before the Right Worſhipful *J. B.* Doctor of Laws, Judge of the ſaid —— Court, on ——— the —— Day of —— aforeſaid, in the Place of Judicature at (*here ſpecify the Place of Appearance*) then and there to bring into and leave in the Regiſtry of the ſaid Court the Letters of Adminiſtration of the ſaid Deceaſed by her ſurreptitiouſly (as is alledged to be) and upon falſe Suggeſtions obtained; and to ſhew Cauſe, if ſhe knoweth or hath any, why the ſame ſhould not be revoked and declared null and void to all Intents and

Purpoſes in Law whatſoever, and why Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed's Eſtate ſhould not be granted to *A. F.* the natural and lawful Father of the ſaid Deceaſed, as alſo to exhibit an Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to her Hands, Poſſeſſion or Knowledge, at the Promotion of the ſaid *A. F.* which Decree has been ſince, to wit, this preſent —— Day of —— duly ſerved on the ſaid *M. F.* *Witneſs* my Hand this —— Day of —— in the Year of our Lord aforeſaid ——

A Citation againſt an Adminiſtratrix to exhibit an Inventory and Account, and to ſee Portions allotted, and a Diſtribution made according to Act of Parliament.

J. By Divine ——— (*here inſert the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole —— of —— Greeting: We do hereby authorize, impower and ſtrictly injoin and command you, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, *E. F.* Widow, the ——— and Adminiſtratrix of all and ſingular the Goods, Chattels and Credits of *B. F.* late of the Pariſh of —— in the County of —— deceaſed,

[*if*

[*if in the Prerogative Court of* Canterbury, *then inſert this Clauſe*: Having whilſt living, and at the Time of his Death, Goods, Chattels or Credits in divers Dioceſes or Juriſdictions, ſufficient to found the Juriſdiction of our Prerogative Court of *Canterbury*] to appear before the Right Worſhipful *H. H.* (*here mention the Title of the Judge*) of the ſaid Court, his Surrogate, or ſome other competent Judge in this Behalf, in the (*here particularize the Place where the Cauſe is heard*) and Place of Judicature there, on the —— Day after ſhe ſhall be ſerved with this Citation, if it be a Court-Day, otherwiſe the Court-Day then next following, at the uſual Hours of hearing Cauſes, and doing of Juſtice there, then and there to exhibit a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to her Hands, Poſſeſſion and Knowledge, and alſo to render a true and juſt Account of her Adminiſtration in the ſaid Goods, Chattels and Credits of the ſaid Deceaſed, by Virtue of her corporal Oath, and to ſee Portions allotted, and a Diſtribution made of the Goods, Chattels and Credits of the ſaid Deceaſed, according to an Act of Parliament in that Behalf made and provided; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of *J. D.* the ——— of the ſaid Deceaſed; and whatſoever you ſhall do, or cauſe to be done in the Premiſſes, you ſhall duely certify our —— aforeſaid, his Surrogate,

rogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ——

An Act of Court upon appointing a Guardian choſen by Proxy, in order to take out a Decree to cite an Adminiſtratrix to exhibit an Inventory upon Oath, as alſo to give better Security for her Adminiſtration, otherwiſe to ſhew Cauſe why the ſame ought not to be revoked and granted anew to the ſaid Guardian, for the Uſe of a Minor the next of kin.

On —— the —— Day of —— *&c.*

A Buſineſs of exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of *F. C.* late of the Pariſh of —— in the County of —— deceaſed, upon Oath, and alſo of giving better and more ſufficient Security for the Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, otherwiſe of granting Letters of Adminiſtration anew of the ſaid Goods and Chattels, Upon which Day *G.* exhibited his ſpecial Proxy under the proper Hand and Seal of the ſaid *W.B.* the Minor aforeſaid, and made himſelf a Party for him, and alledged, that the ſaid Deceaſed departed this Life Inteſtate, and

Chattels, promoted by *W. B.* acting by his Guardian *J. B.* the Guardian lawfully aſſigned to *W. B.* his Son a Minor, the Nephew by the Siſter, and next of kin of the ſaid Deceaſed, againſt *E. C.* Widow, the Relict and Adminiſtratrix of the ſaid Deceaſed.

G.

that Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed were granted to *E. C.* Widow, the Relict and Adminiſtratrix of the ſaid Deceaſed upon the —— Day of —— out of the —— Court of ——— that the ſaid *W. B.* is the Nephew by the Siſter and next of kin of the ſaid Deceaſed, but being in his Minority, to wit, above the Age of ——— Years, and under the Age of Twenty-one Years, hath therefore made choice of the ſaid *J. B.* his Father, to be his Curator or Guardian to all Intents and Purpoſes in Law whatſoever, but more particularly for the taking out a Citation againſt the ſaid *E. C.* to exhibit a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to her Hands, Poſſeſſion and Knowledge, by Virtue of her corporal Oath, and alſo to oblige her to give better and more ſufficient Security for her Adminiſtration thereof, otherwiſe to ſhew good and ſufficient Cauſe (if ſhe knows or hath any) why her Adminiſtraſtration ought not to be revoked, and Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, granted anew to his ſaid Father *J. B.* for his Uſe

Uſe and Benefit during his Minority, and until he ſhall attain the Age of Twenty-one Years, and prayed him ſo to be aſſigned as by his ſpecial Proxy before exhibited, to which the ſaid *G.* refers himſelf, may appear; this being done, the ſaid *G.* exhibited his Proxy for the ſaid *J. B.* and made himſelf a Party for him, and alledged, that he, as Proctor for the ſaid *J. B.* accepted of the Tuition and Guardianſhip of the ſaid Minor; wherefore he prayed, and the Judge, at his Prayer, admitted his ſaid Proxy, and aſſigned the ſaid *J. B.* Curator or Guardian to the ſaid *W. B.* to all Intents and Purpoſes in Law whatſoever, and more eſpecially for the Purpoſes before recited, and at the further Prayer of the ſaid *G.* decreed the ſaid *E. C.* to be cited to appear in (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon —— the —— Day of ——— in the Year of our Lord —— between the Hours of —— and —— in the —— noon of the ſame Day, then and there to exhibit a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to her Hands, Poſſeſſion and Knowledge, by Virtue of her corporal Oath, and alſo to give better and more ſufficient Security for her Adminiſtration thereof, otherwiſe to ſhew good and ſufficient Cauſe (if ſhe knows or hath any) why her Adminiſtration ought not to be revoked, and Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed granted anew to the ſaid *J. B.* for the Uſe and

Benefit of the ſaid *W. B.* the Minor aforeſaid, during his Minority; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *W. B.* acting by his Guardian the ſaid *J. B.* his Father, with an Intimation.

A Decree to cite an Adminiſtratrix to exhibit an Inventory upon Oath, and to give better Security for her Adminiſtration, otherwiſe to ſhew Cauſe why the ſame ſhould not be revoked, and Letters of Adminiſtration granted anew.

R. By Divine ——— (*here mention the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'out our whole ——— of ——— Greeting: Whereas the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of our ——— Court of ——— lawfully appointed in a certain Buſineſs of exhibiting a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of *F. C.* late of the Pariſh of ——— in the County of ——— deceaſed, upon Oath, [*if in the Prerogative Court of* Canterbury, *ſay*, Having whilſt living, and at the Time of his Death, Goods, Chattels or Credits in divers Dioceſes or Juriſdictions, ſufficient to found the Juriſdiction of our Pre-

rogative Court of *Canterbury*] and alſo of giving better and more ſufficient Security for the Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, otherwiſe of revoking and granting Letters of Adminiſtration anew of the Goods, Chattels and Credits of the ſaid Deceaſed to *J. B.* the Guardian lawfully aſſigned to *W. B.* his Son a Minor, the Nephew by the Siſter, and next of kin of the ſaid Deceaſed, which is now depending before him in Judgment, between the ſaid *W. B.* acting by his Guardian the ſaid *J. B.* the Party promoting the ſaid Buſineſs, on the one Part, and *E. C.* Widow, the Relict and Adminiſtratrix of the ſaid Deceaſed, the Party againſt whom the ſaid Buſineſs is promoted, on the other Part, rightly and duely proceeding, hath, at the Prayer of the Proctor of the ſaid *J. B.* decreed the ſaid *E. C.* Widow, to be cited and intimated to appear in Judgment on the Day, and at the Time and Place, and to the Effect here underwritten, and in the Manner and Form hereinafter deſcribed, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly injoin and command ye, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the ſaid *E. C.* to appear before our ſaid —— (*here name the Title of the Judge*) or his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place where the Cauſe is heard*) and Place of Judicature there, on —— the —— Day of —— in the Year of our Lord —— between the Hours of —— and —— in the —— noon of the ſame

Day, then and there to exhibit a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which ſince his Death have come to her Hands, Poſſeſſion or Knowledge, by Virtue of her corporal Oath, and alſo to give better and more ſufficient Security for her Adminiſtration thereof, otherwiſe to ſhew good and ſufficient Cauſe (if ſhe knows or hath any) why her Adminiſtration ought not to be revoked, and Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, granted anew to the ſaid *J. B.* for the Uſe and Benefit of the ſaid *W. B.* the Minor aforeſaid, during his Minority; and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *W. B.* acting by his Guardian the ſaid *J. B.* his Father; and that you ſhall moreover peremptorily intimate, or cauſe to be intimated, to the ſaid *E. C.* (to whom we alſo intimate by the Tenor of theſe Preſents) That if ſhe doth not appear on the ſaid Day, Time and Place, and to the Effect aforeſaid, or appearing ſhew not ſufficient Cauſe to the contrary, our —— aforeſaid, or ſome other competent Judge in this Behalf, doth intend, and will proceed, to the revoking and declaring null and void the Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, granted to the ſaid *E. C.* Widow, the Relict of the ſaid Deceaſed, to all Intents and Purpoſes in the Law whatſoever, and alſo to the granting and committing Letters of Ad-

Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, anew to the ſaid *J. B.* the Guardian lawfully aſſigned to the ſaid *W. B.* the Minor aforeſaid, for his Uſe and Benefit, and during his Minority, (the Abſence, or rather Contumacy, of her the ſaid *E. C.* Widow, in any wiſe notwithſtanding;) and whatſoever ye ſhall do, or cauſe to be done in the Premiſſes, ye ſhall duely certify our —— aforeſaid, or his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated*, and ſo forth.

An Act of Court upon a Creditor's voluntarily bringing into Court Letters of Adminiſtration, and declaring the ſame null and void, and of chooſing and aſſigning a Guardian, as alſo granting Adminiſtration anew to the ſaid Guardian for the Uſe of Minors.

On —— the —— Day of —— *&c.*

A Buſineſs of voluntarily bringing into the Regiſtry, and declaring null and void the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *J. B.* late of the Pariſh of —— in the County of —— Bachelor, deceaſed, heretofore granted to *J. S.* as principal Creditor of the

Upon which Day *G.* exhibited his ſpecial Proxy under the Hands and Seals of the ſaid *M. A.* and *J. A.* and made himſelf a Party for them, and alledged, that the ſaid Deceaſed de-

ſaid Deceaſed, as alſo of making Choice and Aſſigning *J. B.* Curator or Guardian to all Intents and Purpoſes in Law whatſoever to *M. B.* and *A. B.* Spinſters, the natural and lawful Siſters, and next of kin of the ſaid *J. B.* Deceaſed, and alſo of granting Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, to the ſaid *J. B.* as Guardian to the ſaid *M. B.* and *A. B.* Minors, for their Uſe and Benefit, and alſo for the Uſe and Benefit of *M. A.* (the Wife of *J. A.*) a Minor, the natural and lawful Siſter, and next of kin of the ſaid Deceaſed, until they, or one of them, ſhall attain to the Age of Twenty-one Years.

G. parted this Life — Years ſince Inteſtate a Bachelor, and without Parents, leaving behind him at the Time of his Death the ſaid *M. A.* (Wife of *J. A.*) the ſaid *M. B.* and *A. B.* Spinſters, his natural and lawful Siſters, and only next of kin; that the ſaid *M. A.* and her Huſband *J. A.* have by their Proxy aforeſaid, under their Hands and Seals, conſented that Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, may be committed and granted to the ſaid *J. B.* their Uncle, for the Uſe and Benefit of her the ſaid *M. A.* and her ſaid Siſters; and the ſaid *G.* further alledged, that the ſaid *M. B.* and *A. B.* being in their reſpective Minorities, to wit, above the Age of —— Years, and under the Age of Twenty-one Years, and thereby incapable (in their own proper Names)

Names) of taking out Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, have by their Proxies, under their Hands and Seals (which the ſaid *G.* now alſo exhibits) reſpectively made choice of their ſaid Uncle *J. B.* to be their Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to take out the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, for their Uſe and Benefit alſo during their Minorities, as by the ſaid Proxy, to which the ſaid *G.* refers himſelf, may more fully and at large appear; wherefore he prayed, and the Judge, at his Petition, admitted the ſaid Proxy of Conſent and Choice of a Guardian aforeſaid; on which Day appeared perſonally the ſaid *J. S.* and alledged, that he was informed, and did believe, that the ſaid *J. B.* died a Bachelor Inteſtate, without leaving behind him Father, Mother, Brother, Siſter, or any other Relations, and therefore he did procure Letters of Adminiſtration of his Goods and Chattels by the Name of *J. B.* to be granted to him, as principal Creditor of the ſaid Deceaſed, in the Month of—— and that ſince the obtaining the ſame, to wit, very lately, he hath been credibly informed, and verily believes, that the ſaid *J. B.* left behind him the ſaid *M. A. M. B.* and *A. B.* who are his natural and lawful Siſters, and only next of kin; wherefore the ſaid *J. S.* does now voluntarily, and of his own Accord, bring in and leave in the Regiſtry of this Court the ſaid Letters of Adminiſtration

miniſtration of the ſaid Deceaſed, granted to him as aforeſaid by the Name of *J. B.* and prays and conſents that the ſame may be declared null and void to all Intents and Purpoſes in Law whatſoever; and the Judge, at his Petition, and with his Conſent, did declare the ſame null and void accordingly: This being done, and at the further Petition of the ſaid *G.* exhibiting his Proxy for the ſaid *J. B.* and alledging him to live in remote Parts, the Judge, at his Petition, decreed the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *J. B.* to be granted and committed to the ſaid *J. B.* as Guardian to the ſaid *M. B.* and *A. B.* and for the Uſe and Benefit of the ſaid *M. A.* and *M. B.* and *A. B.* during their reſpective Minorities, until they, or one of them, ſhall attain to the Age of Twenty-one Years, and alſo a Commiſſion to take the Oath, and alſo the Bond of the ſaid *J. B.* for his due and faithful Adminiſtration in the Perſonal Eſtate of the ſaid Deceaſed, to be directed to the Reverend *J. B. T. R.* and *D. E.* Clerks, reſpectively reſiding in or near the County of —— jointly and ſeverally.

A

A Proxy for a Minor to chooſe a Guardian, in order to renounce Letters of Adminiſtration.

KNOW all Men by theſe Preſents, That I *J. R.* the natural and lawful Son of *J. R.* late of ——— in the County of——— deceaſed, being in my Minority, (to wit,) of the Age of ——— Years, but under the Age of Twenty-one Years, and therefore incapable of either acting in my own Name, or of taking upon my ſelf, or renouncing the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of my ſaid late Father deceaſed, have, and by theſe Preſents do make choice of my Uncle *T. W.* to be my Curator or Guardian for me, and in my Name, to renounce the Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed; and to the End that this my Election of a Guardian may have its due Effect in Law, I do hereby nominate and appoint *E. G.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, to be my Proctor for me, and in my Name to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the ——— Court of ——— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Election, and to pray the ſame to be admitted

mitted and enacted, and the ſaid *T. W.* to be aſſigned my Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to renounce (for me, and on my Behalf) the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; and I do hereby promiſe to allow for firm and valid all and whatſoever my ſaid Proctor ſhall lawfully do, or cauſe to be done for me, and in my Name, in and touching the Premiſſes. In *Witneſs* whereof I have hereunto ſet my Hand and Seal this —— Day of —— in the Year of our Lord ——

J. R.

Signed and ſealed by the ſaid *J. R.* (being firſt duely ſtamp'd according to Act of Parliament) in the Preſence of us

A. B.
C. D.

A Proxy of Acceptation of the Guardianſhip and Renunciation aforeſaid.

Whereas *J. R.* late of ——— in the County of ——— departed this Life Inteſtate, without making any Will, leaving behind him *S. R.* his Widow and Relict, and alſo *J. R.* a Minor, his natural and lawful Son; and whereas the ſaid *S. R.* hath renounced the Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, and the ſaid *J. R.* being in his Minority, hath made choice of me *T. W.* to be his Guardian, in order on his Behalf to renounce the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed.

NOW know all Men by theſe Preſents, That I the ſaid *T. W.* do hereby accept of the Tuition and Guardianſhip aforeſaid, and as Guardian of the ſaid Minor do renounce the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; and to the End that this my Acceptation of the ſaid Guardianſhip, and Renunciation of the ſaid Letters of Adminiſtration, may have their due Effect in Law, I do hereby nominate *E. G.* Notary Publick, and one of the Procurators of the Arches Court of *Canterbury*, to be my Proctor for me, and in my Name to appear before the Right Worſhipful

ſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of ——— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Proxy of Acceptation of the ſaid Guardianſhip, and alſo my Renunciation of the ſaid Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid *J. R.* deceaſed, as Guardian of the ſaid Minor, and to pray the ſame to be admitted and enacted accordingly, and likewiſe to pray me to be aſſigned Guardian to the ſaid Minor to all Intents and Purpoſes in Law whatſoever, and more eſpecially for the Purpoſes before recited; and I do hereby promiſe to allow for firm and valid, and ſo forth, (as in the other Proxy).

An Act of Court upon granting an Adminiſtration where a Voluntatem *of the Judge was appointed to hear and determine the Right and Title thereto, between the Crown and the next of Kin of the Deceaſed.*

Our Sovereign Lord the King againſt *R.* *R.* / *R.* *B.*

A Buſineſs of granting Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *C. D.* late of the Pariſh of —— in the County of —— Widower, deceaſed, promoted by our Sovereign Lord the King, by *E. G. R.* his Proctor, againſt *R. R.* pretending to have Intereſt.

Upon which Day *R.* appeared and exhibited his Proxy, and made himſelf a Party for our ſaid Sovereign Lord the King, and alledged, that the ſaid Deceaſed departed this Life a Widower Inteſtate, without making any Will, leaving behind him neither Children, Father, Mother, Brother, Siſter, Uncle, Aunt, or any other Relation whatſoever, therefore he prayed that Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed might be committed and granted to a Perſon hereafter to be named, for the Uſe of our ſaid Sovereign Lord the King, in the Preſence of *B.* exhibiting his Proxy for the ſaid

ſaid *R. R.* and making himſelf a Party for him, and alledging, that the ſaid *C. D.* the Party in this Cauſe, deceaſed, departed this Life on or about the —— Day of —— in the Year of our Lord —— Inteſtate, being a Widower, without Children or Parents; and that his ſaid Client *R. R.* was and is the Couſin German once removed and next of Kin of the ſaid Deceaſed; and that in a Cauſe formerly depending in this Court of —againſt *R. R.* and *B. B.* touching the granting Letters of Adminiſtration of the Goods of the ſaid Deceaſed, the Judge of this Court, after hearing the Advocates and Proctors on both Sides, did on the —— of —— in the Year of our Lord —— decree the Adminiſtration of the Goods of the ſaid Deceaſed to the ſaid *R. R.* as Couſin German once removed and next of Kin of the ſaid Deceaſed; and that in another Cauſe or Buſineſs afterwards depending in this Court concerning the Grant of the ſaid Letters of Adminiſtration promoted by the ſaid *R. R.* againſt *A. C.* the pretended Niece and next of Kin of the ſaid Deceaſed, and *E. F.* the pretended Couſin German and next of Kin of the ſaid Deceaſed, the ſeveral Parties having reſpectively propounded their Intereſts, the ſaid Judge rightly and duely proceeding on the —— Seſſion of —— Term, to wit, the —— Day of —— in the Year of our Lord —— after having heard the Advocates and Proctors on both Sides, did interpoſe his Interlocutory Decree, having the Form and Effect of a final definitive Sentence, and did thereby direct that the Letters of Adminiſtration

miniſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, granted and committed on the —— Day of —— in the Year of our Lord —— to the ſaid *R. R.* as Couſin German once removed and next of Kin of the ſaid Deceaſed, ſhould paſs and iſſue under the Seal of this Court, and that the ſaid *R. R.* accordingly was and is duely ſworn Adminiſtrator of the ſaid Deceaſed, and has entered into a Bond for his due and faithful Adminiſtration of the Goods of the ſaid Deceaſed, by Virtue of the ſaid Decree, in the Penal Sum of —— Pounds, together with two good and ſufficient Securities, reported to be ſuch by the proper Officer of this Court, and that this Cauſe or Buſineſs was and is by reaſon of the Premiſſes otherwiſe determined and adjudged; and therefore he prayed that the Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed may iſſue under the Seal in the Name of the ſaid *R. R.* purſuant to the ſaid Interlocutory Decree of the Judge of this Court, the ſaid *G.* diſſenting, and alledging, that he doth appear in this Buſineſs for his Majeſty's Intereſt by the ſpecial Command of his Majeſty; that his Majeſty was not a Party in Judgment by his Proctor in either of the ſaid Buſineſſes depending in this Court between the ſaid *C.* againſt *R. R.* and *B.* or between the ſaid *R. R. A. C.* and *E. F.* and doth alledge as before, that the ſaid *C. D.* is dead Inteſtate, without leaving behind him any Child, Father, Mother, Brother, Siſter, or any other Relation whatſoever in any Degree of Kindred, and doth deny the

Intereſt of the ſaid *R.*'s Client, and therefore the Prayer of the ſaid *R.* ought not to be granted, but ought to be rejected, and the ſaid *G.* prays the ſame to be rejected, and the Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, to be granted and committed to the Perſon to be named for the Uſe of his ſaid Majeſty; whereupon the Judge aſſigned to hear the Petition of both Proctors next Court-Day.

A Proxy of Renunciation of Letters of Adminiſtration De bonis non, &c. *or Goods left unadminiſtred by the Relict and Daughter of the Deceaſed reſpectively, made by two of the Grandchildren and next of Kin.*

Whereas *E. Y.* late of the Pariſh of —— in the County of —— deceaſed, departed this Life Inteſtate, without making any Will, leaving behind him *C. Y.* his Widow and Relict, as alſo *A. C.* (the Wife of *J. C.*) his natural and lawful Daughter; and whereas the ſaid *C. Y.* Widow, and *A. C.* are ſince dead, leaving behind them reſpectively Goods, Chattels and Credits of the ſaid *E. Y.* deceaſed, unadminiſtred.

NOW know all Men by theſe Preſents, That we *D. N.* and *A. N.* two of the Grandchildren and next of Kin of the ſaid

ſaid *E. T.* deceaſed, for divers good Cauſes and Conſiderations us hereunto reſpectively moving, have, and do hereby renounce the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, left unadminiſtred as aforeſaid; and to the End that this our Renunciation may have its due Effect in Law, we do hereby jointly and ſeverally nominate and appoint *T. W.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, to be our true and lawful Proctor, for us and in our Names to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this our Renunciation, and to pray and procure the ſame to be admitted and enacted; and we do hereby promiſe to allow for firm and valid all and whatſoever our ſaid Proctor ſhall lawfully do, or cauſe to be done, for us and in our Names, jointly and ſeverally, in and touching the Premiſſes. In *Witneſs*, &c.

Signed, &c. *D. N.*
A. N.

A Proxy for another Grandchild and next of Kin, being a Minor, to chooſe a Guardian, in order to renounce the ſaid Letters of Adminiſtration for the ſaid Minor.

Whereas *E. T.* late of the Pariſh of —— in the County of —— deceaſed, departed this Life Inteſtate, without making any Will, leaving behind him *C. T.* his Widow and Relict, as alſo *A. C.* (the Wife of *J. C.*) his natural and lawful Daughter; and whereas the ſaid *C. T.* Widow, and *A. C.* are ſince dead, leaving behind them reſpectively Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, unadminiſtred.

NOW know all Men by theſe Preſents, That I *M. N.* one of the Grandchildren and next of Kin of the ſaid *E. T.* deceaſed, being in my Minority, (to wit,) of the Age of —— Years, and under the Age of Twenty-one Years, am thereby incapable in my own proper Name of renouncing the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, left unadminiſtred as aforeſaid, have, and do hereby make choice of my Brother *D. N.* to be my Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to the Intent of renouncing for me, and in my Name,

Name, the ſaid Letters of Adminiſtration of the Goods of the ſaid Deceaſed, ſo left unadminiſtred as aforeſaid; and to the End that this my Election or Choice of a Guardian may have its due Effect, I do hereby nominate and appoint *T. W.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, to be my true and lawful Proctor for me, and in my Name, to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the ——— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Election or Choice of a Guardian to pray and procure the ſame to be admitted and enacted, and the ſaid *D. N.* my Brother to be my Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially for the Purpoſes before recited; and I do hereby promiſe to allow for firm and valid all and every Thing my ſaid Proctor ſhall lawfully do, or cauſe to be done, for me and in my Name, in and touching the Premiſſes. In *Witneſs*, and ſo forth.

M. N.

Signed, *&c.*

A Proxy of Acceptation of the ſaid Guardianſhip, and Renunciation of the ſaid Adminiſtration De bonis non, *as Guardian to the ſaid Minor.*

Whereas *E. T.* late of the Pariſh of —— in the County of —— deceaſed, departed this Life Inteſtate, without making any Will, leaving behind him *C. T.* his Widow and Relict, as alſo *A. C.* (the Wife of *J. C* his natural and lawful Daughter; and whereas the ſaid *C. T.* and *A. C.* are ſince dead, leaving behind them reſpectively Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, unadminiſtred; and whereas *M. N.* one of the Grandchildren and next of Kin of the ſaid Deceaſed, being in her Minority, to wit, of the Age of ——— Years, and under the Age of Twenty-one Years, and thereby incapable in her own proper Name (according to Law) of renouncing the ſaid Letters of Adminiſtration of the Goods of the ſaid *E. T.* deceaſed, left unadminiſtred as aforeſaid, hath therefore made choice of her Brother *D. N.* to be her Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially as Guardian to renounce for her, and in her Name, the ſaid Letters of Adminiſtration of all and ſingular the Goods,

Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, ſo left unadminiſtred as aforeſaid.

NOW know all Men by theſe Preſents, That I the ſaid *D. N.* for divers good Cauſes and Conſiderations me hereunto ſpecially moving, have, and do hereby accept of the Tuition and Guardianſhip of the ſaid *M. N.* the Minor aforeſaid, and as Guardian do renounce the ſaid Letters of Adminiſtration of the Goods of the ſaid Deceaſed; and in order that this my Acceptation thereof, and Renunciation, may have their deſired and due Effect, I do hereby nominate, conſtitute and appoint *T. W.* Notary Publick, and one of the Procurators General of the Arches Court of *Canterbury*, to be my true and lawful Proctor, for me and in my Name to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, to exhibit this my Acceptation of the Guardianſhip aforeſaid, and to pray the ſame to be admitted and enacted, as alſo to pray that I may be aſſigned Guardian to the ſaid Minor to all Intents and Purpoſes in Law whatſoever, and more eſpecially, as Guardian to the ſaid Minor, to renounce for her, and in her Name, the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, ſo left unadminiſtred as aforeſaid, and to pray this my Renunciation thereupon to be admitted and enacted accordingly; and I do

hereby promiſe to allow for firm and valid all and every Thing my ſaid Proctor ſhall lawfully do, or cauſe to be done, for me and in my Name, in and touching the Premiſſes. In *Witneſs* whereof I have hereunto ſet my Hand and Seal the ——— Day of —— in the Year of our Lord ———

D. N.

Signed and ſealed by the ſaid *D. N.* (being firſt duely ſtamp'd according to Act of Parliament) in the Preſence of us

A. B.
C. D.

An

An Act of Court upon renouncing by Proxy an Adminiſtration of Goods left unadminiſtred by the Deceaſed's Widow and Daughter, made by two of the Grandchildren and next of kin, as alſo upon chooſing and aſſigning a Guardian, Acceptation of the ſaid Guardianſhip, and renouncing as Guardian the ſaid Adminiſtration for another Grandchild a Minor, as alſo upon granting the ſaid Adminiſtration to the Executor of the Deceaſed's Widow.

On —— the —— Day of —— *&c.*

A Buſineſs of renouncing the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *E. T.* late of the Pariſh of —— in the County of —— deceaſed, (left unadminiſtred by *C. T.* his Widow and Relict, as alſo by *A. C.* (Wife of *J. C.*) the natural and lawful Daughter of the ſaid Deceaſed) made by *D. N.* and *A. N.* the Grandchildren and next of kin of the ſaid Deceaſed, as alſo of electing and aſſigning *D. N.* to be Curator

Upon which Day *W.* exhibited a ſpecial Proxy under the proper Hands and Seals of the ſaid *D. N.* and *A. N.* and made himſelf a Party for them, and alledged, that the ſaid *E. T.* departed this Life Inteſtate, without making any Will, and that Letters of Ad-

tor or Guardian to all Intents and Purpoſes in Law whatſoever to *M. N.* the Grandaughter and next of kin of the ſaid *E. T.* deceaſed, as alſo of Acceptation of the ſaid Guardianſhip and renouncing the Letters of Adminiſtration of the Goods left unadminiſtred as aforeſaid, made by the ſaid *D. N.* as Guardian to the ſaid *M. N.* a Minor, as alſo a Buſineſs of granting the ſaid Letters of Adminiſtration of the Goods left unadminſtred as aforeſaid to *B. H.* the Executor named in the laſt Will and Teſtament of the ſaid *C. T.* Widow, deceaſed.

W. J

miniſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *E. T.* deceaſed, were granted and committed to *C. T.* his Widow and Relict, out of the —— Court of —— on the — Day of —— that the ſaid *C. T.* after that ſhe had intermeddled with the Effects of the ſaid Deceaſed, departed this Life, leaving Goods unadminiſtred; that after her Death Letters of Adminiſtration of ſuch Goods and Effects left unadminiſtred by the ſaid *C. T.* the Widow and Relict as aforeſaid, were granted and committed to *A. C.* (Wife of *J. C.*) the natural and lawful Daughter of the ſaid *E. T.* deceaſed, out of the ——— Court aforeſaid, upon the ——— Day of ——— and that the ſaid *A. C.* is ſince dead, leaving Goods unadminiſtred; and the ſaid *W.* further alledged, that the ſaid *D. N.* and *A. N.* were and are the natural and lawful Grandchildren and next of kin of the ſaid *E. T.* deceaſed; that the ſaid *D. N.* and

and *A. N.* for divers good Cauſes and Conſiderations them thereunto ſpecially moving, have reſpectively renounced the Letters of Adminiſtration of the Goods left unadminiſtred by the ſaid *C. T.* the Widow and Relict, and *A. C.* the Daughter of the ſaid Deceaſed, as aforeſaid, as by the ſaid Proxy (to which the ſaid *W.* refers himſelf) may appear; wherefore the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, admitted the ſaid ſpecial Proxy and Renunciation, and thereupon decreed Letters Teſtimonial to be granted, which being done, the ſaid *W.* exhibited a ſpecial Proxy under the proper Hand and Seal of *M. N.* and made himſelf a Party for her, and alledged, that his ſaid Party is alſo the Grandaughter and next of kin of the ſaid *E. T.* deceaſed; and that the ſaid *M. N.* is a Minor, to wit, of the Age of —— Years, and under the Age of Twenty-one Years, and thereby incapable, in her own proper Name, to renounce the Letters of Adminiſtration of the Goods of the ſaid *E. T.* left unadminiſtred as aforeſaid, wherefore ſhe made choice of her Brother *D. N.* to be her Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to the Intent of renouncing for her, and in her Name, the ſaid Letters of Adminiſtration of the Goods left unadminiſtred as aforeſaid, as by the ſaid Proxy before exhibited, to which the ſaid *W.* refers himſelf, may appear; wherefore the ſaid *W.* prayed, and the Judge, at his Petition, admitted the ſaid Proxy and Election or Choice

Choice of a Guardian, and thereupon decreed Letters Teſtimonial to be granted; this being done, the ſaid *W.* exhibited a ſpecial Proxy under the proper Hand and Seal of the ſaid *D. N.* and made himſelf a Party for him, and alledged, that the ſaid *D. N.* hath accepted of the Tuition and Guardianſhip of *M. N.* the Minor aforeſaid, and as Guardian to the ſaid Minor, for her and in her Name, hath renounced the Letters of Adminiſtration of the Goods left unadminiſtred as aforeſaid, as by the ſaid Proxy before exhibited (to which the ſaid *W.* refers himſelf) may appear; whereupon the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, admitted ſuch Proxy, Acceptation of the ſaid Guardianſhip and Renunciation aforeſaid, and thereupon decreed Letters Teſtimonial to be granted, which being done, appeared perſonally the ſaid *B. H.* and alledged, that he is the Executor named in the Will of the ſaid *C. T.* Widow, deceaſed, and that he proved the ſaid Will in common Form in the —— Court of —— on the —— Day of —— in the Year of our Lord —— as by the Acts of the ſaid Court (to which he refers himſelf) may appear; wherefore he prayed, and the ſaid Surrogate, at his Petition, decreed Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *E. T.* deceaſed) left unadminiſtred by the ſaid *C. T.* Widow, deceaſed, as alſo by *A. C.* the Daughter deceaſed) to be granted and committed to him, giving ſufficient Security for the ſame, and alſo adminiſtred

to

to him the uſual Oath required by Law in this Behalf.

This I atteſt,

R. W. Notary Publick.

An Act of Court upon the Widow's Renunciation, as alſo upon her being choſen and aſſigned Guardian to her Children, both Minors and Infants, by Proxies, renouncing Letters of Adminiſtration thereby as Guardian to her ſaid Children, and granting the ſame to a Creditor, as alſo for a Commiſſion to ſwear him Adminiſtrator.

—— Day of —— in the Year of our Lord —— *&c.*

A Buſineſs of renouncing the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of *J. T.* late of —— in the County of —— deceaſed, made by *M. T.* Widow, the Relict of the ſaid Deceaſed, as alſo of electing and appointing the ſaid *M. T.* Curator or Guardian to all Intents and Purpoſes in Law whatſoever to *M. T.* and *M. T.* Minors, the

Upon which Day *W.* exhibited a ſpecial Proxy under the proper Hand and Seal of the ſaid *M. T.* Widow, and made himſelf a Party for her, and alledged, that the ſaid Deceaſed departed this Life —— Months natural

natural and lawful Children of the ſaid Deceaſed, and alſo of appointing by the Office of the Judge, the ſaid *M. T.* Guardian to *J. T.* and *J. T.* Infants, alſo the natural and lawful Children of the ſaid Deceaſed, and alſo a Buſineſs of renouncing the ſaid Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, made by the ſaid *M. T.* as Guardian to the ſaid Minors and Infants, as alſo of granting the ſame to *M. L.* principal Creditor of the ſaid Deceaſed.

ſince Inteſtate, without making any Will, and that his ſaid Party was and is the Widow and Relict of the ſaid Deceaſed, but for divers good Cauſes and Conſiderations her thereunto ſpecially moving, hath (by Virtue of the Proxy before exhibited) expreſly renounced the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, as by the ſaid Proxy, to which the ſaid *W.* refers himſelf, may appear; wherefore the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, admitted the Proxy and Renunciation aforeſaid, as far as by Law may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted; then the ſaid *W.* exhibited a ſpecial Proxy under the proper Hands and Seals of the ſaid *M. T.* and *M. T.* and made himſelf a Party for them, and alledged, that his ſaid Parties were and are the natural and lawful Children of the ſaid Deceaſed, but are reſpectively in their

Minorities, to wit, the ſaid *M. T.* of the Age of —— Years, and the ſaid *M. T.* of the Age of ——— Years, but that neither of them have yet arrived to the Age of Twenty-one Years, and for that reaſon are incapable in Law of taking upon them the Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, or of renouncing the ſame in their own proper Names; wherefore, by Virtue of the ſpecial Proxy before exhibited, they have reſpectively made choice of the ſaid *M. T.* their natural and lawful Mother, to be their Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to the Effect as Guardian, to renounce for them, and in their Names, the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed; wherefore the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, admitted the Proxy and Election, or Choice of the Guardian aforeſaid, as far as by Law can be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted; then the ſaid *W.* exhibited a ſpecial Proxy under the proper Hand and Seal of the ſaid *M. T.* and made himſelf a Party for her, and alledged, that his ſaid Party hath accepted of the Guardianſhip of the ſaid Minors; wherefore the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, admitted the ſaid Proxy and Acceptation, as far as by Law may be admitted, and aſſigned the ſaid *M. T.* Guardian to the ſaid Minors, to all

all Intents and Purpoſes in the Law whatſoever, and eſpecially to the Effect of renouncing for them, and in their Names, the ſaid Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed; then the ſaid *W.* alledged, that the ſaid *M. T.* by Virtue of the Proxy before exhibited as Guardian choſen by the ſaid Minors, renounced the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, as by the ſaid Proxy ſpecially executed under the proper Hand and Seal of his ſaid Party (to which he refers himſelf) may appear; wherefore he prayed, and the ſaid Surrogate, at his Petition, admitted the ſaid Renunciation, as far as by Law may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted; then the ſaid *W.* alledged, that the ſaid *J. T.* and *J. T.* were and are alſo the natural and lawful Children of the ſaid Deceaſed, but are reſpectively in their Infancy, (to wit,) under the Age of ſeven Years, and thereby rendered incapable in Law of taking upon them the ſaid Letters of Adminiſtration, or of renouncing the ſame, or of chooſing a Guardian to do either the like Purpoſes aforeſaid; and that the ſaid *M. T.* Widow, his Party, by Virtue of the laſt Proxy, exhibited, accepted, and took upon herſelf the Guardianſhip of the ſaid Infants, and as Guardian renounced for them, and in their Names reſpectively, the ſaid Letters of Adminiſtration of the Goods of the ſaid Deceaſed; wherefore the ſaid *W.* prayed, and the Judge thereupon,

at his Petition, by Virtue of his Office, aſſigned the ſaid *M. T.* Widow, Guardian to the ſaid Infants to all Intents and Purpoſes in the Law whatſoever, but more eſpecially to the Effect and Purpoſe of renouncing for them, and in their Names, the ſaid Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, and moreover admitted the Renunciation made by the ſaid *M. T.* Widow, as Guardian of the ſaid Infants, as far as by Law may be admitted and enacted, and thereupon decreed Letters Teſtimonial to be granted; which being done, the ſaid *W.* exhibited his Proxy for the ſaid *M. L.* and made himſelf a Party for her, and alledged, that ſhe was and is the principal Creditor of the ſaid Deceaſed, and is now reſiding in remote Parts; wherefore the ſaid *W.* prayed, and the ſaid Surrogate, at his Petition, decreed Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, to be granted and committed to her, giving ſufficient Security for the ſame, as alſo a Commiſſion to ſwear her, and to take the uſual Oath and Bond given in this Behalf, to be directed to the Reverend *C. T. R. G. T. H.* and *J. P.* Clerks, reſpectively reſiding in or near the County aforeſaid, jointly and ſeverally.

Th.s I atteſt,

B. D. Notary Publick.

A Decree againſt Sureties, to ſhew Cauſe why an Adminiſtration Bond ſhould not be delivered out in order to be pleaded and ſued at Common Law.

W. By Divine ——— (*here name the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'-out our whole ——— of ——— Greeting: Whereas the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of our ——— Court of ——— lawfully appointed, rightly and duely proceeding in a certain Buſineſs of exhibiting an Inventory, and rendring an Account of the Goods, Chattels and Credits of *J. C.* late of ——— in the County of ——— deceaſed, [*if in the Prerogative Court of* Canterbury, *inſert the following Lines:* Having whilſt living, and at the Time of his Death, Goods, Chattels or Credits in divers Dioceſes or Juriſdictions, ſufficient to found the Juriſdiction of our Prerogative Court aforeſaid] and purſuant to an Act of Parliament in that Caſe made and provided, of allotting a Portion or Portions out of the ſaid Goods, Chattels and Credits of the ſaid Deceaſed, to *C. R.* the Niece by the Siſter, and next of kin of the ſaid Deceaſed, which came judicially before him, between the ſaid *C. R.* the Party Promovent, on the one Part, and

S. R.

S. R. the natural and lawful Siſter, and Adminiſtratrix of the Goods, Chattels and Credits of the ſaid Deceaſed, the Party againſt whom the ſaid Buſineſs is promoted, on the other Part, rightly and duely proceeding at the Petition of the Proctor of the ſaid *C. R.* alledging, that the ſaid *S. R.* had not duely adminiſtred the Goods, Chattels and Credits of the ſaid Deceaſed, or exhibited an Inventory of them, nor rendered a true and juſt Account of her Adminiſtration, did therefore decree *R. R.* of the Pariſh of —— and *F. R.* of the Pariſh of —— Sureties, bounden together with the ſaid *S. R.* for her faithful Adminiſtration of the Goods, Chattels and Credits of the ſaid *J. C.* deceaſed, to be cited, intimated and called into Judgment to appear on the Day, Time and Place, and to the Effect and Purpoſe hereafter mentioned, (Juſtice ſo requiring it;) We do therefore authorize, impower, and ſtrictly injoining command ye, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the ſaid *R. R.* and *F. R.* to appear before our ſaid Commiſſary, or his Surrogate, or ſome other competent Judge in this Behalf, in (*here mention particularly the Place of Appearance*) and Place of Judicature there, on the —— Day of —— between the Hours of —— and ——in the —— noon of the ſame Day, then and there to ſhew Cauſe, if they, or either of them, have or know any, why the Bond or Obligation given and entered into by them the ſaid *R. R.* and *F. R.* together with the ſaid *S. R.* in our ſaid —— Court of —— for the faithful Adminiſtra-

tion of her the ſaid *S. R.* in the Goods, Chattels and Credits of the ſaid *J. C.* deceaſed, ſhould not be pronounced and declared as forfeited, or at leaſt why the ſame ſhould not be aſſigned and delivered out of the Regiſtry of our ——— Court of——— aforeſaid, to the ſaid *C. R.* in order to be pleaded or ſued at Common Law, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *C. R.* and that ye ſhall moreover peremptorily intimate, or cauſe to be intimated, to the ſaid *R. R.* and *F. R.* (to whom alſo we intimate by the Tenor of theſe Preſents) that if they do not appear at the Time, Place, and to the Effect aforeſaid, or appearing do not ſhew ſufficient Cauſe to the contrary, concludent in Law, our ——— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, doth intend, and will proceed to pronounce and declare the ſaid Bond entered into by the ſaid *R. R.* and *F. R.* together with the ſaid *S. R.* for the faithful Adminiſtration of her the ſaid *S. R.* in the Goods, Chattels and Credits of the ſaid *J. C.* deceaſed, as forfeited, or at leaſt to the Aſſigning and Delivering of the ſaid Bond or Obligation out of the Regiſtry of our ſaid ——— Court of——— to her the ſaid *C. R.* to be pleaded and ſued at Common Law; and further intends, and will proceed to the Expediting all judicial Acts that ſhall be neceſſary and required by Law to be done and expedited in and about the Premiſſes, the Abſence, or rather Contumacy,

macy, of them the ſaid *R. R.* and *F. R.* ſo to be cited and intimated as aforeſaid in any wiſe notwithſtanding; and whatever ye do, or cauſe to be done, in the Premiſſes, ye ſhall duely certify our ſaid Commiſſary, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated*, &c.

An Act of Court upon the Admiſſion of an Allegation, praying a Decree for Anſwers, and an Adminiſtration, pending Suit.

—— Seſſion of —— Term, to wit, ——
the —— Day of —— &c.

H. againſt *B.*
G. *H.*

UPON the Admiſſion of the Allegation given by *H.* and a Copy thereof being delivered three Days before this Day. On which Day *H.* prayed his Allegation to be admitted in the Preſence of *G.* diſſenting thereto, and alledging, that the ſaid Allegation is not concludent in Law, and ought not by Law to be admitted, and praying the ſame to be rejected, and Right and Juſtice to be done to his Client; whereupon the Judge, at the Petition of *H.* admitted the ſaid Allegation, decreed the ſaid *S. H.* Wife of the ſaid *N. H.* as alſo the ſaid *J. H.* and *E. H. G.*'s Clients, to be cited at the ſaid *G.*'s Chambers, to ap-

pear the ——— Seſſion of next Term, and give their Perſonal Anſwers to the Poſitions or Articles of the ſaid Allegation, under Pain of the Law and Contempt thereof; this being done, the ſaid *G.* as he aſſerted, gave an Allegation, and prayed, and the Judge, at his Petition, aſſigned to hear the Admiſſion thereof upon the next Court-Day, a Copy thereof being delivered to *H.* two Days before that Day, and then the ſaid *G.* alledged, that *E. B.* late of the Pariſh of ——— in the County of ——— the Party deceaſed, in this Cauſe, died poſſeſſed of a great Perſonal Eſtate, and that ſome Part thereof conſiſted in Brandy and Spirits, which will daily leſſen in Value by their Waſting and Leekage; and that ſeveral Debts which are owing to the ſaid *E. B.* are accounted dubious, and are in a great Danger of being loſt, unleſs ſome proper Perſon ſhall not be ſpeedily appointed by the Authority of this Court to receive the ſame; and in order to verify what the ſaid *G.* ſo alledged, he the ſaid *G.* exhibited two Affidavits, which the Judge, at his Petition, admitted; and then the ſaid *G.* prayed Letters of Adminiſtration of the Goods and Chattels of the ſaid *E. B.* during the Suit only, to be committed and granted to *G. B.* and offerred to give any Security to the Court for his due Adminiſtration therein; whereupon the Judge, having firſt heard Advocates and Proctors on both Sides, decreed the ſaid Letters of Adminiſtration of the ſaid Goods, Chattels and Credits of the ſaid *E. B.* pending this Suit only, to be committed and granted to *G. B.*

G. B. of the Pariſh of —— in the County of —— Diſtiller, in caſe the ſaid *H.* doth not object to the ſaid *G. B.* as not being a proper Perſon to have the ſaid Adminiſtration by —— next, he the ſaid *G. B.* giving ſufficient Security to the Court in the Sum of ——— Pounds, for his due Adminiſtration in the ſaid Goods, Chattels and Credits of the ſaid *E. B.* deceaſed, during this Suit only.

A Decree for Perſonal Anſwers.

W. By Divine ——— (*here inſert the Archbiſhop or Biſkop to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'-out our whole ——— of ——— Greeting: Whereas (*a*) the Right Worſhipful *J. B.* Doctor of Laws, (*here mention the Title of the Judge*) of the —— Court of —— lawfully appointed in a certain Cauſe, (*b*) hath, at the Petition of the Proctor of the ſaid *P. T.* alledging, that the ſaid *T. C.* is the more lawful Perſon from whom the Truth in this Behalf may be better drawn and inquired into, than from his Proctor exerciſing for him in this Cauſe, decreed the ſaid *T. C.* to be cited and called into Judgment to appear on the Day, and at the Time and Place, and to the Effect hereunder written, (Juſtice ſo requiring;) therefore we impower, and by injoining ſtrictly command ye, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the

(*a*) If decreed by a Surrogate, inſert theſe Words: Whereas *J. A.* Surrogate of the Right Worſhipful, *&c.*

(*b*) Deſcribe the Cauſe, Names of the Parties, and Style of the Court.

the ſaid *T. C.* by the Execution of theſe Preſents, on Mr. *B. R.* Notary Publick, his Proctor, that he appear before our Commiſſary aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, in (*here deſcribe particularly where the Cauſe is heard*) and Place of Judicature there (*a*), then and there to Anſwer, by Virtue of his corporal Oath, to the Poſitions or Articles of a certain Allegation (*b*) given in and admitted in the ſaid Cauſe, on the Part and Behalf of the ſaid *P. T.* and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and whatſoever ye ſhall do, or cauſe to be done in the Premiſſes, ye ſhall duely certify our ——— aforeſaid, (*here mention the Title of the Judge*) his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of ——*&c.*

(*a*) Specify the Return certain.

(*b*) If any Exhibits be pleaded, add theſe Words, And Exhibits thereunto annexed.

An

An Act of Court upon exhibiting Letters of Requeſt from an Archbiſhop, and granting a Decree for Perſonal Anſwers thereupon.

On —— Day of —— *&c.*

A Buſineſs of exhibiting Letters Requiſitorial under the Seal of the Archbiſhop of —— in a certain Cauſe depending in the — Court of — between *T. E.* Gentleman, and *E. H.* Upon which Day *G.* exhibited his Proxy for the ſaid *E. H.* and made himſelf a Party for her, and alledged, that there is a certain Cauſe now depending before the Worſhipful *W. W.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— promoted by the ſaid *T. E.* againſt the ſaid *E. H.* and that by reaſon the ſaid *T. E.* is now reſiding within the Dioceſe of —— the ſaid Doctor *W. W.* had decreed Letters Requiſitorial, directed to the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— his Vicar General, Surrogate, or ſome other competent Judge in that Behalf, thereby requeſting them to cite, or cauſe to be cited, the ſaid *T. E.* to appear before the ſaid Doctor *W. W.* his Surrogate and Subſtitute, in the (*here ſpecify the Place where the Cauſe is heard*) in the accuſtomed Place there, on —— the —— Day of —— between the Hours

Hours of —— and —— in the—— noon of the ſame Day, then and there to anſwer to the Poſitions and Articles of an Allegation given in and admitted on the Part and Behalf of the ſaid *E. H.* as in and by the ſaid Letters Requiſitorial, which the ſaid *G.* then exhibited, doth appear; wherefore the ſaid *G.* prayed, and the Surrogate aforeſaid, at his Petition, did accept of the Execution of the ſaid Letters Requiſitorial, and thereupon decreed the ſaid *T. E.* to be cited to appear on the Day, Time and Place, and to the Effect in the ſaid Letters Requiſitorial mentioned.

A Decree for Perſonal Anſwers upon Letters of Requeſt from the Archbiſhop aforeſaid.

E. By Divine Permiſſion Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Dioceſe of —— Greeting: Whereas we have lately received Letters of Requeſt from the moſt Reverend Father in God *W.* by Divine Providence Lord Archbiſhop of *Canterbury*, Primate of all *England* and Metropolitan, To the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— or his Subſtitute or Surrogate, or to any other competent Judge whomſoever, Greeting in the Lord: Whereas our beloved *W. W.* Doctor of Laws, (*here inſert the Title of the Judge*) of our —— Court of —— rightly and duely proceeding, hath decreed *T. E.* Gentleman, to

to be cited and called before him under the Manner and Form, and to the Effect hereunder written, (Juſtice ſo requiring it;) and whereas the ſaid *T. E.* is within your Juriſdiction, ſo that without your Help, to the Effect hereunder written, he cannot be cited and called; therefore we (in Aid of Law and Juſtice) require and ask, that by your Authority you will cite, or cauſe to be cited peremptorily, the aforeſaid *T. E.* that he appear before the aforeſaid *W. W.* Doctor of Laws, or his Surrogate or Subſtitute, in the (*here particularly mention the Place where the Cauſe is heard*) in the accuſtomed Place, upon —— the —— Day of —— next enſuing, between the Hours of —— and —— in the —— noon of the ſame Day, then and there to anſwer perſonally to an Allegation, with Exhibits given in and admitted on the Part and Behalf of *E. H.* againſt him the ſaid *T. E.* and further to obey the Law in all Things, requeſting that what you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify, or cauſe to be certified, our Commiſſary, or his Surrogate, or ſome other competent Judge in this Behalf, the ſaid Day, Hours and Place, together with theſe Preſents, as we in the like Caſes ſhall be ready to do at your Requeſt; in Teſtimony whereof we have put the Seal of our —— Court this —— Day of —— in the Year of our Lord —— And whereas the Worſhipful *E. K.* Doctor of Laws, Surrogate of the Right Worſhipful *H. H.* alſo Doctor of Laws, (*here inſert the Title of the Judge to whom the Letters of Requeſt are pre-*

preſented) of our —— Court of —— lawfully appointed, (the ſaid Letters of Requeſt being firſt preſented to him) rightly and duely proceeding, did, at the Petition of the Proctor of the ſaid *E. H.* accept of the Execution of the ſaid Letters of Requeſt, in Aid of Juſtice, and purſuant to the ſaid Letters of Requeſt decreed the ſaid *T. E.* to be cited and called to Juſtice at the Day, Time and Place, and to the Effect, and in Manner and Form hereunder written, according to the Tenor of the ſaid Letters of Requeſt, (Juſtice ſo requiring;) We do therefore authorize, and ſtrictly injoin and command you, and every of you, peremptorily to cite, or cauſe to be cited, the aforeſaid *T. E.* to appear before the aforeſaid *W. W.* Doctor of Laws, his Surrogate or Subſtitute, (*here deſcribe the Place where the Cauſe is heard*) in the accuſtomed Place there, on —— the —— Day of —— next, between the Hours of —— and —— in the —— of the ſame Day, then and there to anſwer perſonally to the Poſitions and Articles of an Allegation given in and admitted on the Part and Behalf of the ſaid *E. H.* againſt the ſaid *T. E.* and further to obey the Law in all Things; and whatſoever you do, or cauſe to be done in the Premiſſes, you ſhall duely certify the ſaid *W. W.* his Surrogate, or any other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of —— in the Year of our Lord ——

The

The Effect of a Monition in a Commiſſion of Appraiſement.

BY Virtue of a Monition herewith ſhewn unto you under Seal of the — Court of —— you are moniſhed to ſhew, or cauſe to be ſhewn, all and ſingular the Goods, Chattels and Credits, as alſo all and every the Deeds, Writings, Books of Accounts and Papers, any Ways relating to the perſonal Eſtate of *T. D.* late of the Pariſh of ——— in the County of —— deceaſed, unto *R. B.* and *H. H.* or to any or either of them, Commiſſioners named in a Commiſſion of Appraiſement, iſſued under the Seal of the ſaid Court, on the Part and Behalf of *M. R.* the natural and lawful —— of the ſaid Deceaſed, upon *M. T.* and *W.* the —— Days of —— in the Year of our Lord ——— or at any other Time and Place, to which the ſaid Commiſſioners, or either of them, jointly or ſeverally ſhall adjourn the Execution of the ſaid Commiſſion, in order that the ſame may be appraiſed and reduced into an Inventory, to be annexed to and returned with the ſaid Commiſſion of Appraiſement, into the Regiſtry of the ſaid Court, under Pain of the Law and Contempt thereof, at the Promotion of the ſaid *M. R.*

A Certificate upon executing Letters of Requeſt from an Archbiſhop, for taking of Perſonal Anſwers.

TO the moſt Reverend Father in God *W.* by Divine Providence Lord Archbiſhop of —— *and ſo forth, as in other Certificates:* We *J. A.* Doctor of Laws, Surrogate to the Right Worſhipful *H. H.* alſo Doctor of Laws, (*here inſert the Title of the Judge,*) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— with all due Reverence to ſo moſt Reverend a Father, make known that *E. H.* did appear before us in ——— at —— upon the —— Day of —— in the Year of our Lord ——— and did preſent unto us the Commiſſion hereunto annexed, for taking the perſonal Anſwers of the ſaid *E. H.* to the Poſitions or Articles of the Allegation annexed to the ſaid Commiſſion, and did deſire our Acceptance of the Execution of the ſaid Commiſſion, and that at the Prayer of the ſaid *E. H.* we did accept of the Execution thereof, and did aſſume to ourſelves *E. G.* Eſq; for our Actuary or Scribe therein; this being done, we did adminiſter the uſual Oath to the ſaid *E. H.* to make true Anſwers to the ſeveral Articles or Poſitions of the ſaid Allegation annexed to the ſaid Commiſſion, who being ſworn did upon her Oath make and give the Anſwers hereunto annexed to the ſaid Poſitions or Articles of the ſaid Allegation, and did afterwards ſubſcribe

the ſame, and was repeated thereto in our Preſence, and did acknowledge the ſame to be true, by Virtue of the Oath adminiſtred to her, and in greater Teſtimony of the Premiſſes we have cauſed this Authentick Seal to be put to theſe Preſents, and have ſubſcribed our Name thereto.

I *E. G.* Notary Publick, legally appointed, by reaſon that I was preſent at the Time and Place of Swearing the ſaid *E. H.* to make true Anſwers to the aforeſaid Allegation, and at the Time of her making, ſubſcribing and repeating the ſame, and at all and ſingular the Premiſſes mentioned in the aboveſaid Certificate, have drawn this Publick Inſtrument, which I atteſt.

E. G.

A Certificate to the Archbiſhop of York, *upon the Execution of Letters of Requeſt from thence to ſwear an Adminiſtrator in another Dioceſe.*

TO the moſt Reverend Father in God *Lancelot* by Divine Providence Lord Archbiſhop of *York*, Primate of *England* and Metropolitan, or your Keeper and Commiſſary of your Exchequer and Prerogative Court of *York*, lawfully conſtituted his Surrogate, or any other competent Judge in this Behalf, we *E. K.* Doctor of Laws, Surrogate of the Right Worſhipful *H. H.* alſo Doctor of Laws, (*here inſert the Title*

of

of the Judge) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— with all due Reverence to ſo moſt Reverend a Father, make known, that *G. C.* Eſq; did appear before us in the Chamber of *E. G.* Eſq; one of the Procurators General of the Arches Court of *Canterbury* in *Doctors Commons*, *London*, the —— Day of —— in the Year of our Lord —— and did preſent unto us the Letters Requiſitorial and Commiſſional here returned, and prayed that we would, in Aid of Juſtice, take upon ourſelves the Execution thereof; we being willing to grant his Requeſt, took upon ourſelves the Execution thereof, and immediately ſwore him to the Truth, duely to adminiſter the Eſtate of *S. H.* late of —— within the Dioceſe of *York*, deceaſed, left unadminiſtred by *E. H.* Widow, the Mother and Adminiſtratrix of the ſaid Deceaſed, by paying the Debts of the ſaid Deceaſed, as far as the Goods, Chattels and Credits of the ſaid Deceaſed will thereto extend, and the Law oblige him; that he would make a true and perfect Inventory, and render a juſt Account, and exhibit the ſame into the Regiſtry of your Exchequer and Prerogative Court of *York*, when he ſhall be thereunto legally called; which being done, we did decree your ſaid Letters of Requeſt, together with the Bond thereto annexed, executed by the ſaid *G. C.* Eſq; and the Securities therein mentioned, to be tranſmitted to you; and in greater Teſtimony of the Premiſſes, we have cauſed this Authentick Seal to be ſet

ſet to theſe Preſents, and have ſubſcribed the ſame.

I *E. G.* Notary Publick legally appointed, by reaſon that I was preſent at the Time and Place of ſwearing the ſaid *G. C.* Eſq; to the Execution of the ſaid Bond, and other the Premiſſes, have from thence drawn this Publick Inſtrument, and ſubſcribed the ſame.

E. G.

An Affidavit of Commiſſioners in a Commiſſion of Appraiſement, alledging one of the Parties ſerved with a Monition to have abſconded.

R. *D.* of the Pariſh of ——— in the County of ——— and *J. L.* of the Pariſh of —— in the County of ——— the Commiſſioners named or appointed in and by a Commiſſion of Appraiſement, iſſued out and under Seal of the —— Court of —— to inſpect, appraiſe, value and take an Inventory of all and ſingular the Writings, Papers and Books of Accounts, any way relating to the Perſonal Eſtate of *M. L.* late of —— in the County of ——— deceaſed, have diligently inquired at the late Houſe of Abode of *M. L.* Spinſter, the natural and lawful Daughter of the ſaid *M. L.* and of ſeveral of the Tenants of and at the Houſes, Part of the Perſonal Eſtate of the ſaid Inteſtate, and at ſeveral other Places, and of ſeveral other Perſons, moſt likely, as theſe Deponents were inform'd,

to find her the ſaid *M. L.* Spinſter, in order for to ſerve her the ſaid *M. L.* Spinſter, with a Monition, iſſuing out under Seal of the ſaid ——— Court, but could not find out or be inform'd where the ſaid *M. L.* was to be found or met with; and theſe Deponents further ſeverally ſay, that they were inform'd upon ſuch Inquiry, and do verily believe, that ſhe the ſaid *M. L.* Spinſter, abſconds for fear of being arreſted for juſt Debts by her owing, and that ſhe the ſaid *M. L.* is in very mean and low Circumſtances.

R. D.
J. D.

—— Day of —— the ſaid *J. D.* and *J. L.* were ſworn to the Truth hereof, before me *R. C.* Surrogate, preſent *E. C.* Notary Publick.

FH
MVSEVM
BRITANNICVM

An

An Act of Court for a Decree for a limited Adminiſtration De bonis non, &c. *to ſubſtantiate Proceedings in the High Court of Chancery.*

—— Seſſ. of —— Term, to wit, on —— the —— Day of —— *&c.*

A Buſineſs of accepting or refuſing Letters of Adminiſtration (with the Will annexed) of all and ſingular the Goods, Chattels and Credits of *J. P.* late of —— in the County of — Eſq; deceaſed, left unadminiſtred by *B. P.* Eſq; the natural and lawful Brother, ſole Executor and Reſiduary Legatee named in the laſt Will and Teſtament of the ſaid Deceaſed, now alſo deceaſed, or ſhewing Cauſe why the ſame ſhould not be granted and committed to *H. K.* Eſq; or ſome other Perſon, by *H. W.* and *A. W.* his Wife, who was and is Reſiduary Legatee named in the laſt Will and Teſtament of *E. P.* Spinſter, deceaſed, who whilſt living was the Daughter, only Child and

On which Day *R.* exhibited his Proxy for the ſaid *H. W.* and *A. W.* his Wife, and made himſelf a Party for them, and alledged, that the ſaid *J. P.* late of —— in the County of —— Eſq; deceaſed, whilſt living did duely make, publiſh and declare his laſt Will and Teſtament in Writing, and therein and thereof did nominate and appoint *B. P.* Eſq; his natural and lawful Brother,

Heir at Law of the ſaid *J. P.* and *C. P.* his Wife, deceaſed, to be appointed, and by the Judge of this Court to be approved of, limited only to and for the Uſes, Intents and Purpoſes herein after particularly mentioned, promoted by them the ſaid *H. W.* and *A. W.* his Wife, againſt *E. P.* (Wife of *J. P.* Niece by the Brother) *W. R.* Clerk, Nephew by the Siſter and Brother, Executor and only Reſiduary Legatee of the Will of *G. R.* deceaſed, whilſt living, another Nephew by the Brother, and the only next of kin of the ſaid *J. P.* deceaſed, and alſo againſt *N. W.* Clerk, only Executor of the laſt Will of the ſaid *E. P.* deceaſed, in ſpecial, and all others in general.

ſole Executor and Reſiduary Legatee, who after the Death of the ſaid *J. P.* to wit, on or about the —— Day of —— in the Year of our Lord—— duely proved the ſaid Will in the Prerogative Court of *Canterbury*, and took upon him the Execution thereof, and afterwards died Inteſtate, leaving behind him at the Time of his Death ſeveral Goods, Chattels and Credits of the ſaid *J. P.* deceaſed, unadminiſtred, and alſo leaving behind him at the ſaid Time of his Death the ſaid *B. P.* Niece by the Brother, the ſaid *G. R.* deceaſed, and *W. R.* Clerk, Nephews by the Siſter, his next of kin and only Perſons intereſted in the Diſtribution of his Perſonal Eſtate; that on or about the —— Day of —— in the Year of our Lord —— Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits

Credits of the ſaid *B. P.* deceaſed, were by the Authority of the ſaid Prerogative Court duely committed and granted to the ſaid *G. R.* his Nephew, who ſince his obtaining the ſame has alſo departed this Life, but whilſt living, and of ſound Mind and Memory, rightly and duely made and publiſhed his laſt Will and Teſtament, and therein and thereof made, conſtituted and appointed the ſaid *W. R.* Clerk, ſole Executor and Reſiduary Legatee; and that the ſaid *W. R.* hath ſince the Death of him the ſaid *G. R.* (to wit,) on or about the —— Day of —— in the Year —— proved the ſaid Will in the ſaid Prerogative Court of *Canterbury*, and took upon him the Execution thereof, but that no Letters of Adminiſtration (with the Will annexed) of the Goods of the ſaid *J. P.* deceaſed, left unadminiſtred by the ſaid *B. P.* deceaſed, has ſince his Death been at any Time granted or committed, nor is there any Executor of the ſaid Will of the ſaid *J. P.* deceaſed, or Adminiſtrator of his Goods, Chattels and Credits, with the ſaid Will annexed now ſubſiſting, as in and by the Acts of the ſaid Court, to which the ſaid *R.* refers himſelf, more at large may appear; and the ſaid *R.* then further alledged, that the ſaid *J. P.* deceaſed, at the Time of his Death left behind him *B. P.* Spinſter, his Daughter, the only Child and Heir at Law of him the ſaid *J. P.* and of *C. P.* his then late Wife deceaſed; and that the ſaid *B. P.* ſince the Death of the ſaid *J. P.* alſo departed this Life, but whilſt living, and of ſound, perfect and diſpoſing

Mind, Memory and Underſtanding, did rightly and duely make, publiſh and declare her laſt Will and Teſtament in Writing, and did thereby give, deviſe and bequeath all her Real and Perſonal Eſtate to *N. W.* Clerk, in Truſt, and to and for the Uſe of the ſaid *A. W.* and by ſuch her Will did make and appoint him the ſaid *N. W.* ſole Executor, who ſince the Death of the ſaid *E. P.* to wit, on or about —— Day of —— in the Year —— duely proved the ſaid Will in the ſaid Prerogative Court of *Canterbury*, and took upon him the Execution thereof, as in and by the ſaid Will now remaining in the Regiſtry of the ſaid Prerogative Court, and the Acts of the ſaid Court, to which the ſaid *R.* refers himſelf, more at large may appear; and the ſaid *R.* then alſo further alledged, that in or about —— Term, which was in the Year of our Lord —— the ſaid *H. W.* and *A. W.* his Wife, the Reſiduary Deviſee and Legatee of and in the laſt Will and Teſtament of the ſaid *E. P.* deceaſed, as aforeſaid, commenced a Cauſe or Suit, and exhibited their Bill of Complaint, in the High Court of Chancery, againſt the ſaid *G. R.* ſince deceaſed, the ſaid *J. P.* and *E.* his Wife, *J. A.* and others, to be paid the Sum of —— Pounds, with Intereſt; and that the ſame might be raiſed out of the *Corniſh* Eſtate in the ſaid Bill of Complaint mentioned, if it was effectually charged therewith; and if not, then, and in ſuch Caſe, that the ſaid *H. W.* and *A.* his Wife might have a Satisfaction out of the Perſonal and Real Aſſets of the ſaid *J. P.* and in order thereto that *W. B.* might

might ſet forth an Account of the Perſonal Eſtate and Aſſets of the ſaid *J. P.* and in caſe they ſhould not be ſufficient, that then the ſaid *H. W.* and *A.* his Wife might receive a Satisfaction out of the Real Eſtate in the Hands of the ſaid *J. P.* and his Wife, and of *J. M.* and *M.* his Wife, or of one of them; and in order thereto that the ſeveral Defendants to the ſaid Bill of Complaint might ſet forth the Particulars of the ſaid ſeveral Eſtates, and where they lie, and in whoſe Tenures or Occupations they are, and what are the yearly Rents or Values of the ſame, and what they are reſpectively worth to be ſold; and that the ſaid Defendants might ſet forth whether there are any, and what Incumbrances upon the ſaid Eſtate, or upon either, and which of them, and by whom made, and when, and for what real Conſideration, and how much remains due upon each Security, and to whom, and for general Relief; and the ſaid *R.* then further alledged, that on or about ——— the ſaid *H. W.* and *A.* his Wife did exhibit in the ſaid High Court of Chancery a Supplemental Bill to the aforeſaid Bill of Complaint, reciting therein their ſaid Bill of Complaint, in Manner and to the Effect before alledged; and (amongſt other Things) further ſhewing that the ſaid *J. P.* and *E.* his Wife had appeared to the ſaid Bill of Complaint, and put in their Anſwer thereto, but that the ſaid *G. R.* and the other Defendants had not appeared or anſwered, and that at the Time when they the ſaid *H. W.* and *A.* his Wife filed their ſaid Bill of Complaint, the ſaid

J. A. had, or pretended to have, ſome Mortgage affecting the real Eſtates of the ſaid *J. P.* and in order to delay and diſtreſs the ſaid *H. W.* and *A.* his Wife, and to prevent them from having proper Parties before the Court, had ſince, at the Inſtance and with the Privity of the ſaid *J. P.* and *W. R.* Executor of the ſaid *G. R.* deceaſed, granted or aſſigned over the ſaid Mortgage very lately to the ſaid *J. P.* or to ſome other Perſon or Perſons in Truſt for him; but the ſaid *J. A.* and the other Confederates refuſed to diſcover the Name of ſuch Perſon or Perſons, and where they live, to whom he had granted or aſſigned the ſaid Mortgage, or to diſcover what was really and *bona fide* due and owing thereon, as in and by the ſaid Supplemental Bill (Relation being thereto had) may more at large appear; and moreover the ſaid *R.* alledged, that no further Proceedings can be effectually had, nor any final Decree or Determination made in the ſaid Cauſe or Suit in the ſaid High Court of Chancery, until Letters of Adminiſtration (with the Will annexed) of the Goods, Chattels and Credits of the ſaid *J. P.* deceaſed, left unadminiſtred by the ſaid *B. P.* deceaſed, as aforeſaid, be granted and committed under Seal of the ſaid Prerogative Court, and the Adminiſtrator or Adminiſtrators of the ſaid Goods, Chattels and Credits of the ſaid *J. P.* deceaſed, with his ſaid Will annexed, made Party or Parties thereto; wherefore the ſaid *R.* prayed, and the ſaid Surrogate, at his Petition, decreed the ſaid *E. P.* (Wife of *J. P.*) *W. R.* Clerk, and *N. W.*

in

in ſpecial, and all others having, or pretending to have, any Right, Title or Intereſt in the Premiſſes in general, to be cited to appear before the Right Worſhipful *J. B.* Doctor of Laws, Maſter, Keeper or Commiſſary of the ſaid Prerogative Court of *Canterbury*, his Surrogate, or ſome other competent Judge in this Behalf, in the Common Hall of *Doctors Commons*, ſituate in the Pariſh of St. *Benedict* near *Paul's Wharf*, *London*, and Place of Judicature there, on the third Day after Service, if it be a Court-Day, otherwiſe the Court-Day then next following, at the uſual Hours of hearing Cauſes and doing Juſtice there, then and there to accept or refuſe the Letters of Adminiſtration of the Goods, Chattels or Credits of the ſaid *J. P.* deceaſed, (with his ſaid Will annexed) left unadminiſtred as aforeſaid by the ſaid *B. P.* or to ſhew good and ſufficient Cauſe, if they, or any or either of them, have or know any, why the ſaid Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid *J. P.* deceaſed, (with his ſaid Will annexed) left unadminiſtred, ſhould not be committed and granted to the ſaid *H. K.* Eſq; or ſome other Perſon, by the ſaid *H. W.* and *A. W.* his Wife, to be appointed, and by the ſaid Judge of the ſaid Prerogative to be approved of, limited only to attend, ſupport, ſubſtantiate, corroborate and confirm the Proceedings in the ſaid Suit or Cauſe in the ſaid High Court of Chancery, or any other Cauſe or Cauſes commenced, or to be commenced, touching and concerning the Premiſſes only, and not further

further or otherwiſe, or in any other Manner, with Intimation, and ſo forth.

The Effect of a Decree to accept or refuſe Letters of Adminiſtration, otherwiſe to ſhew Cauſe why the ſame ought not to be granted to ſome third Perſon limited to ſubſtantiate Proceedings in the High Court of Chancery.

WHereas there is now, or lately was, depending in the High Court of Chancery, a certain Cauſe or Suit between *T. S. M.* his Wife, and *J. A.* Plaintiffs, and *W. H.* Eſq; deceaſed and others, Defendants, and alſo a Suit or Cauſe between *J. B.* Plaintiff, and the ſaid *W. H.* Eſq; deceaſed, *J. A.* and others, Defendants; and whereas by reaſon of the ſaid *W. H.*'s Deceaſe, and for want of Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed being granted, all Proceedings in the ſaid Cauſes are ſtaid; by Virtue of a Decree herewith ſhewn unto you under Seal, you are cited to appear before the Right Worſhipful *J. B.* Doctor of Laws, Judge of the —— Court of —— his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) and Place of Judicature there, the —— Day after you are ſerved herewith, if it be a Court-Day, otherwiſe the Court-Day then next following, at the uſual Hours of hearing Cauſes and

and doing Juſtice there, then and there to accept or refuſe Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, otherwiſe to ſhew Cauſe, if you know or have any, why Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed ſhould not be granted and committed to ſome third Perſon by the ſaid *J. A.* to be named, and by the Judge of the ſaid Court to be approved of, limited to the Effect only of ſubſtantiating Proceedings in the ſaid Cauſes now or lately depending between the Parties aforeſaid in the ſaid High Court of Chancery, and not further nor otherwiſe, and further to do and receive as to Law and Juſtice ſhall appertain, at the Promotion of the ſaid *J. A.* intimating, and it is hereby intimated unto you the ſaid *W. H.* that if you do not appear at the Time and Place aforeſaid, or appearing ſhew not good and ſufficient Cauſe to the contrary, the Judge aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, doth intend, and will proceed to the granting and committing Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, to ſome third Perſon, to be named by the ſaid *J. A.* and by the Judge aforeſaid to be approved of, limited to the Effect only of ſubſtantiating Proceedings in the ſaid Cauſes now or lately depending in the ſaid High Court of Chancery, between the Parties aforeſaid, and not further, or otherwiſe on good Security in that Behalf to be given

given, your Abſence, or rather Contumacy, in any wiſe notwithſtanding. *Dated*, &c.

An Affidavit for a Decree to be executed on the Royal Exchange, *to cite a Perſon abroad to accept or refuſe an Adminiſtration, in order to ſubſtantiate Proceedings in the Court of Exchequer.*

On —— the —— Day of —— &c.

J. *A.* of the Pariſh of —— in the County of —— Gentleman, maketh Oath, that he this Deponent, and *A. B.* with others, did exhibit their Bill of Complaint in his Majeſty's Court of Exchequer againſt *R. P. P. F.* and *A.* his Wife, and others; and that the ſaid *A. F.* (Wife of the ſaid *P. F.*) died ſince the exhibiting the ſaid Bill in the Pariſh of ——— in the County of ——— Inteſtate, as he this Deponent hath been informed and believes, and that further or other Proceedings cannot be ſafely had in the ſaid Cauſe depending in the ſaid Court of Exchequer between the ſaid Parties, or a final Decree obtained therein, as he this Deponent is adviſed, until an Adminiſtrator of the Goods and Chattels of the ſaid *A. F.* deceaſed, be made a Party in Judgment in the ſaid Cauſe and Anſwer to the ſaid Bill; and this Deponent doth further make Oath, that he hath been informed and does verily believe, that the ſaid

ſaid *P. F.* Husband of the ſaid *A. F.* deceaſed, does now reſide in or near the Town or City of ——— in ——— in Parts beyond the Seas.

J. A.

J. A. was ſworn to the Truth of the Premiſſes, before me *R. C.* Surrogate, preſent *R. B.* Notary Publick.

A Decree to be executed on the Royal Exchange, *to cite a Perſon abroad to accept or refuſe an Adminiſtration, otherwiſe to ſhew Cauſe why the ſame ought not to be granted to ſome Perſon to be named, in order to ſubſtantiate Proceedings in the Court of Exchequer.*

W. By Divine Providence Archbiſhop of *Canterbury*, Primate of all *England* and Metropolitan, To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our whole Province of *Canterbury*, Greeting: Whereas it hath been alledged before the Worſhipful *J. A.* Doctor of Laws, Surrogate to the Right Worſhipful *J. B.* alſo Doctor of Laws, Maſter, Keeper or Commiſſary of our Prerogative Court of *Canterbury*, lawfully conſtituted, on the Part and Behalf of *J. A. A. B. F. G.* and *E. L.* Clerk, and *M. L.* otherwiſe *D.* (Wife of the ſaid *E. L.*) and *A. N.* that one *P. F.* being indebted to the

the ſaid *J. A. F. G.* and *M. L.* (then *M. D.* Widow) in ſeveral Sums of Money, amounting in the Whole to the Sum of —— did, together with the ſaid *A. N.* as his Security, enter into a Bond or Obligation, dated ——— in the Penal Sum of ——— conditioned for Payment to the ſaid *J. A.* his Executors, Adminiſtrators and Aſſigns, of the ſaid Sum of ——— and Intereſt, on the ——— Day of ——— next enſuing; and whereas it was alſo alledged that the ſaid *P. F.* afterwards intermarried with *A. C.* Widow, and in her Right became intitled for her Life to ſeveral Meſſuages, Lands, Tenements, Houſes, Edifices, Cellars, Orchards, Gardens, Dove-houſes, Keys, Wharfs and Landing Places, with the Duties thereunto belonging in ——— otherwiſe in the Pariſh of ——— in the County of ——— and then held by one *R. P.* or at leaſt to an Annuity or yearly Rent-Charge of ——— payable out of the Rents and Profits thereof by the ſaid *R. P.* and that the ſaid *P. F.* by a Deed-Poll dated on or about the ——— Day of —— and by him duely executed, did grant, bargain, ſell and demiſe unto the ſaid *J. A.* and *A. B.* their Executors, Adminiſtrators and Aſſigns, the Premiſſes before recited, with all Rights, Members and Appurtenances to the ſame belonging, and the Rents, Iſſues and Profits thereof, together with all Arrears of Rent due for the ſame, and all Copper Ore which then was or hereafter ſhould ariſe and belong unto him, either on Account of the Premiſſes thereby demiſed, or otherwiſe, from the ſaid *R. P.*

or any other Perſon or Perſons whatſoever, and all Sum and Sums of Money which were then or ſhould hereafter grow due to him on Account thereof, in Truſt (among other Things) that they the ſaid *J. A.* and *A. B.* their Executors, Adminiſtrators and Aſſigns, ſhould pay and apply the Monies which they ſhould receive by Virtue of the ſaid Deed Poll in diſcharging the ſaid Sum of ——— with the Intereſt due for the ſame, for which the ſaid *P. F.* and *A. N.* became bound as aforeſaid, and all Coſts which he the ſaid *A. N.* ſhould ſuſtain on Account thereof; and whereas it was further alledged, that the ſaid *R. P.* ſoon after dying, and *R. P.* his only Son and Heir at Law, and Adminiſtrator of his Goods, Chattels and Credits, neglecting or refuſing to pay the ſaid yearly Sum of —— on Account, for the Premiſſes before recited, to the ſaid *J. A.* and *A. B.* they, together with the ſaid *F. G. E. L.* and *M.* his Wife, and the ſaid *A. N.* exhibited their Bill of Complaint in his Majeſty's High Court of Exchequer, againſt the ſaid *R. P.* the Son and Adminiſtrator of the Goods, Chattels and Credits of the ſaid *R. P.* deceaſed, the ſaid *P. F.* and *A.* his Wife, *J. C. S.* Son and Heir of *S. S.* deceaſed, *J. E.* and *W. C.* Executors of the Will of the ſaid *J. S.* *R. E.* and *P.* his Wife, the Relict of the ſaid *J. S.* to compel them, ſome or one of them, to pay the ſaid Rent in Arrear to the ſaid *J. A.* and *A. B.* and to account with them for the ſaid Ore, and all Profits and Advantages which have been made thereof, that they may be enabled to diſcharge

charge the Truſts repoſed in them by the Deed Poll before recited, and for other Purpoſes in the ſaid Bill mentioned; and whereas it was laſtly alledged that the ſaid *A. F.* died in the Pariſh of ——— in the County of —— Inteſtate, without making any Will, (having Goods, Chattels or Credits in divers Dioceſes or Juriſdictions) and that further or other Proceedings cannot be had in the ſaid Cauſe or Suit ſo depending as aforeſaid in his Majeſty's Court of Exchequer between the ſaid Parties, or a final Decree obtained therein, until an Adminiſtrator of the Goods, Chattels and Credits of the ſaid *A. F.* deceaſed, be made a Party in Judgment in the ſaid Cauſe and Anſwer to the ſaid Bill, and that the ſaid *P. F.* her Husband now reſides in —— in Parts beyond the Seas; and whereas the ſaid Surrogate (rightly and duely proceeding) hath at the Prayer of the Proctor of the ſaid *J. A. A. B. F. G. E. L. M. L.* otherwiſe *D.* and *A. N.* decreed the ſaid *P. F.* to be cited and intimated to appear in Judgment on the Day, and at the Time and Place, and to the Effect, and in Manner and Form hereinafter mentioned, (Juſtice ſo requiring;) We do therefore impower and ſtrictly injoin you jointly and ſeverally, that ye do peremptorily cite, or cauſe to be cited, the ſaid *P. F.* by firſt publickly affixing of this original Decree for ſome Time on one of the Pillars of the *Royal Exchange*, *London*, at the uſual Time of Merchants reſorting thither, and by leaving there affixed a true Copy thereof, and by all other lawful Ways, Means and

Methods whatſoever, whereby this our Citation and Intimation may moſt likely come to the Knowledge of the ſaid *P. F.* to appear before our ſaid Commiſſary, or his Surrogate, or ſome other competent Judge in this Behalf, in the Common Hall of *Doctors Commons*, ſituate in the Pariſh of St. *Benedict* near *Paul's Wharf*, *London*, and Place of Judicature there, on —— the —— Day of ——— next enſuing, between the Hours of nine and twelve in the Forenoon of the ſame Day, then and there to accept or refuſe Letters of Adminiſtration of all and ſingular the Goods, Chattels and Credits of the ſaid *A. F.* deceaſed, otherwiſe to ſhew good and ſufficient Cauſe, if he hath or knows any, why Adminiſtration of the Goods, Chattels and Credits of the ſaid Deceaſed, limited to the Effect only to attend, ſupply, ſubſtantiate and ſtrengthen the Proceedings had, or to be had, in the ſaid Cauſe or Suit ſo as aforeſaid, depending in the ſaid Court of Exchequer, between the Parties aforeſaid, concerning the Premiſſes, or in any other Cauſes hereafter to be commenced concerning the ſame, but no further, or otherwiſe ſhould not be granted and committed to *A. N.* or ſome other Perſon to be named on the Part and Behalf of the ſaid *J. A. A. B. F. G. E. L. M. L.* otherwiſe *D.* and *A. N.* and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, at the Promotion of the ſaid *J. A. A. B. F. G. E. L. M. L.* otherwiſe *D.* and *A. N.* and that ye do moreover peremptorily intimate, or cauſe to be in-

timated, to the ſaid *P. F.* (to whom alſo we intimate by the Tenor of theſe Preſents) that if he doth not appear at the Time, Place, and to the Effect aforeſaid, or appearing ſhew not good and ſufficient Cauſe to the contrary, our ſaid Commiſſary, or his Surrogate, or ſome other competent Judge in this Behalf, doth intend to proceed, and will proceed to the committing and granting of Letters of Adminiſtration of the Goods, Chattels and Credits of the ſaid *A. F.* deceaſed, to the Effect only to attend, ſupply, ſubſtantiate and ſtrengthen the Proceedings had, and to be had, in the ſaid Cauſe or Suit ſo as aforeſaid, depending in the ſaid Court of Exchequer, between the Parties aforeſaid, concerning the Premiſſes, or in any other Cauſe or Cauſes hereafter to be mentioned concerning the ſame, but no further, or otherwiſe to the ſaid *A. N.* or ſome other Perſon to be named on the Part and Behalf of the ſaid *J. A. A. B. F. G. E. L. M. L.* otherwiſe *D.* and *A. N.* the Abſence, or rather Contumacy of him the ſaid *P. F.* in any wiſe notwithſtanding; and that ye do certify our ſaid Commiſſary, or his Surrogate, or ſome other competent Judge in this Behalf, whatſoever ye ſhall do, or cauſe to be done, in the Premiſſes, together with theſe Preſents. *Dated* at *London* the —— Day of —— in the Year of our Lord —— and in the —— Year of our Tranſlation.

CHAP.

CHAP. IV.

Of Contracts of Matrimony, Inceſt, Impotency, &c.

An Act of Guardianſhip for a Minor to obtain a Matrimonial Licence.

On —— the —— Day of —— in the Year of our Lord ——— *&c.*

A Buſineſs of electing and aſſigning *T. B.* Curator or Guardian to *M. H.* a Minor, to the Effect underwritten.

Upon which Day appeared perſonally *M. H.* the Minor aforeſaid, and alledged, that ſhe intends to intermarry with *T. T.* of the Pariſh of ——— in the County of ——— Bachelor, and that ſhe hath neither Father or Mother, or Teſtamentary Guardian, and is in her Minority, to wit, of the Age of ——— Years, but under the Age of Twenty-one Years, and therefore incapable of conſenting to, or at leaſt of ſolemnizing the ſaid intended Marriage, without the Conſent of a Guardian appointed for her in this Behalf; wherefore ſhe made choice of the ſaid *T. B.* to be her Guardian, and prayed him accordingly ſo to be aſſigned, in order to give his Conſent to the aforeſaid intended Marriage; where-

upon the Judge, at her Petition, aſſigned the ſaid *T. B.* to be her Guardian to the Effect aforeſaid; and the ſaid *T. B.* being preſent accepted of the ſaid Guardianſhip, and as Guardian to the ſaid Minor conſented to the Marriage intended to be had and ſolemnized as aforeſaid, and the Judge thereupon decreed Letters Teſtimonial to be granted.

A Contract of Marriage.

A Contract of Marriage made and concluded upon the ——— Day of the Month of ——— in the Year of our Lord —— between *A. P.* of the Pariſh of —— in the County of ——— aged about —— Years, and a Bachelor; and *E. T.* of the Pariſh of —— in the County of —— aged about —— Years, and a Spinſter, follows, *viz.*

WHereas the ſaid *A. P.* for ſome Months laſt paſt made his Courtſhip and Addreſſes in the way of Marriage to the ſaid *E. T.* who hath admitted of and entertained ſuch his Courtſhip and Addreſſes; and whereas the ſaid Parties having a great Love and Affection for each other, have agreed upon a Marriage to be had and ſolemnized between them in the Face of the Church, but conceiving it moſt for their Intereſt and Advantage have thought it convenient to defer the Solemnization of the ſaid Marriage for ſometime, and therefore the ſaid Parties, the better

and

and more effectually to aſſure themſelves each to other, and to prevent all Doubts and Diſtruſts which they might otherwiſe have of each other's Fidelity, and for divers and ſundry other Cauſes and Conſiderations them thereunto reſpectively moving, do by theſe Preſents mutually and reciprocally contract themſelves in Marriage each to other, in Manner and Form following, (to wit,)

I *A. P.* abovenamed do in the Preſence of Almighty God, and of the Witneſſes hereto ſubſcribed, take thee *E. T.* to be my wedded Wife, to have and to hold from this Day forward, for better, for worſe, for richer, for poorer, in Sickneſs and in Health, to love and to cheriſh, till Death us doth part, according to God's Holy Ordinance, and thereto I plight you my Troth.

The ſaid *A. P.* with his Right Hand taking the ſaid *E. T.* by her Right Hand, and then repeating theſe Words, I *A. P.* &c.

A. P.

Signed and ſealed by the ſaid *A. P.* in the Preſence of us

R. R.
W. J.

I *E. T.* abovenamed do in the Preſence of Almighty God, and of the Witneſſes hereto ſubſcribed, take thee *A. P.* to be my wedded Husband, to have and to hold from this Day forward, for better, for worſe, for richer, for poorer, in Sickneſs and in Health, to love, cheriſh and obey,

The ſaid *E. T.* with her Right Hand taking the ſaid *A. P.* by his Right Hand, and then repeating theſe Words, I *E. T.* &c.

according to God's Holy Ordinance, and therefore I give thee my Troth.

E. T.

Signed and ſealed by the ſaid *E. T.* in the Preſence of

R. R.
W. J.

And we the abovenamed *A. P.* and *E. T.* do mutually and reciprocally promiſe and oblige ourſelves each to other, that we will cauſe this our Contract of Marriage to be duely and lawfully ſolemnized in the Face of the Church, by a Miniſter in Holy Orders, according to the Rites and Ceremonies of the Church of *England*. In *Witneſs* whereof we have hereunto reſpectively ſet our Hands and Seals the Day and Year abovewritten.

A. P.
E. T.

The abovewritten Contract of Marriage was voluntarily and ſeriouſly repeated by the aforeſaid *A. P.* and *E. T.* and by them ſigned, ſealed and delivered in the Preſence of us, who at their Requeſt, and in their Preſence, have ſubſcribed our Names as Witneſſes thereto.

R. R.
W. J.

A Citation by Ways and Means, and by Virtue of Letters of Requeſt againſt a Nobleman in a Cauſe of Contract of Marriage.

J. *B.* Doctor of Laws, (*here inſert the Title of the Judge to whom the Requeſt is made*) of the ——— Court of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout the ——— of —— Greeting: Whereas we rightly and duely proceeding by Virtue of Letters of Requeſt under the Hand and Seal of the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge who makes the Requeſt*) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of ——— to us preſented, and by us accepted, at the Petition of the Proctor of *A. B.* of the Pariſh of —— in the County of —— and Dioceſe aforeſaid, alledging, that the Right Honourable *C.* Lord *D.* of the Pariſh of —— in the County and Dioceſe aforeſaid, had been ſeveral Times diligently ſought for by the Mandatory in this Behalf, ſufficiently and lawfully authorized and appointed, with a Deſign and Intent of citing him perſonally after the Manner of citing Nobility, to the Purpoſes hereafter mentioned, but that he had ſo abſconded or concealed himſelf that he could not by any Means be in ſuch Manner perſonally cited by our ſaid Mandatory, have therefore decreed the ſaid

Right Honourable *C.* Lord *D.* to be cited and ſummoned to Judgment on the Day, at the Hours, in the Place, and to the Effect hereunder written, and in the Manner and Form hereunder deſcribed, (Juſtice ſo requiring;) To ye therefore jointly and ſeverally we commit theſe Preſents, and ſtrictly injoining ye, do command that ye do cite, or cauſe to be cited peremptorily, the aforeſaid Right Honourable *C.* Lord *D.* perſonally, if he can be ſo cited, and ye can have ſafe and free Acceſs to him ſo to do, otherwiſe by publickly affixing this Citation for ſometime upon the outward Door of the Houſe or uſual Place of Abode of the ſaid Right Honourable *C.* Lord *D.* and afterwards by affixing and leaving there a true Copy of theſe Preſents, and alſo by all other lawful Ways, Means and Methods whatſoever, whereby this our Citation may moſt likely come to his Knowledge, that he appear before us, or our Surrogate, or any other competent Judge whatſoever in this Behalf, in (*here ſpecify the Place where the Cauſe is heard*) in the uſual Place of Judicature there, on the ——— Day of —— next enſuing, between the Hours of ——— and —— in the —— noon of the ſame Day, then and there to anſwer to *A. B.* in a Matrimonial Cauſe or Cauſes of Contract of Marriage, and ſo forth, as in other Proceſſes.

A Libel in a Cauſe of Contract of Marriage.

A. B. againſt *C.* Lord *D.* Baron *D.*

In the Name of God, *Amen:* Before you the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully conſtituted, or your Surrogate, or ſome other competent Judge in this Behalf, *A. B.* of —— in the Pariſh of —— in the County of —— and Dioceſe of —— againſt the Right Honourable *C.* Lord *D.* Baron *D.* of the Pariſh of —— in the County of —— and Dioceſe aforeſaid, and againſt any other Perſon or Perſons whatſoever, lawfully intervening or appearing in Judgment by way of Complaint, and hereby complaining unto you in that Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

Pleading the Place, Time of her Nativity, and an Account of her Father and Religious Education.

1. THAT the ſaid *A. B.* the Party Proponent in this Cauſe, was born in the Kingdom of —— on the —— Day of —— in the Year of our Lord —— and was virtuouſly and religiouſly brought up and educated by her Father the Reverend *B. B.* late —— of —— in the Kingdom aforeſaid; and this was and is true,

true, and ſo much the ſaid Right Honourable *C.* Lord *D.* doth know and believe in his Conſcience to be true; and the Party Proponent doth propound and alledge every Thing in this Article contained jointly and ſeverally.

Pleading the Deſcent of her Father's Family.

2. That the ſaid *A. B.* in the next preceding Article mentioned, was deſcended from an antient and wealthy Family in the ſaid Kingdom, and was related to many of the Nobility and Gentry of the firſt Rank in that Kingdom, particularly to the Right Honourable *R.* Earl of —— *D.* Lord —— the Right Honourable *T.* Earl of —— the Right Honourable *H.* Lord Viſcount —— and Sir *J. B.* Bart. and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* doth know and believe in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

Pleading her ſober Life and Converſation while ſhe lived with her ſaid Father in ——

3. That the ſaid *A. B.* the Party Proponent, ſo long as ſhe continued to live with her ſaid Father in —— always behaved herſelf virtuouſly, religiouſly and modeſtly, and was always taken Notice of and eſteemed to be a Perſon of a good Character and Reputation, and one that behaved with great Virtue, Prudence and Modeſty; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* doth know and believe in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

4. That

4. That in the Month of —— in the Year of our Lord —— ſhe the ſaid *A. B.* the Party Proponent, came to *London* and lodged at the Houſe of —— in —— for the Space of —— and then removed and lodged at the Houſe of —— in —— for the Space of —— and from thence removed to the Houſe of one —— a —— in —— and lodged there for the Space of —— and from thence removed to the Houſe of —— in —— and at all ſuch Places became acquainted with ſeveral Gentlemen and Ladies of good Faſhion and Diſtinction, and was viſited by them, and always carried and demeaned herſelf ſoberly, prudently and modeſtly, and at all Times was, and now is, a Perſon of an unblameable Life and Converſation, and of great Virtue and Modeſty, and ſo was and is eſteemed to be by all her Relations, Friends and Acquaintance; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

The Time of her coming to *London*, the ſeveral Places where ſhe lodged, and alſo her ſober Life and Converſation.

5. That in the Month of —— the ſaid Right Honourable *C.* Lord *D.* became firſt acquainted with the Party Proponent whilſt ſhe lodged at the ſaid Mr. ——'s, and did afterwards frequently in the Months of —— following viſit her at her Lodgings at the ſaid Mr. ——'s, and then at the ſaid Mr. ——'s in —— aforeſaid, and did at each of the ſaid Places make his Addreſſes to and court her in the way of Marriage; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* knows and

Pleading the Time Lord *D.* firſt became acquainted with *A. B.* and his ſeveral and reſpective Viſits and Addreſſes in the way of Marriage.

and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

His Lordſhip's Declarations that his Intentions were honourable, that he would make her his Wife, and that he had rather die than wrong her.

6. That during all the Time in the next preceding Articles mentioned, he the ſaid Right Honourable *C.* Lord *D.* continued to viſit the Party Proponent, and at all ſuch Times did proteſt and ſwear that his Intentions were honourable, and that he was reſolved to make her his Wife, and ſwore he had rather die than wrong her; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as before.

The particular Time of Lord *D.* viſiting *A. B.* when he repeated his former Proteſtations, his Declarations that he would marry her publickly before all the World, and that he took her for his Wife, and thought himſelf as much her Husband as if he had been married in the Church.

7. That in the Month of —— in the ſaid Year —— he the ſaid Lord *D.* viſited her the Party Proponent, and did then repeat his former Proteſtations and Vows, and did declare upon his Faith and Honour, that he would marry her publickly before all the World, and declared that he took her for his Wife, and thought himſelf as much her Husband as if he had been married in the Church; and this was and is true, and ſo much the ſaid Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

The Time and Manner of the Contract.

8. That on the — Day of — in the ſaid Year —— he the ſaid Right Honourable *C.* Lord *D.* came to the Lodgings of the ſaid *A. B.* the Party Proponent, at Mr. ——'s aforeſaid, and then and there did again renew

new and repeat his Sollicitations, and did preſs her to conſent to marry him; and the Party Proponent did then ſolemnly declare, that ſhe received his Addreſſes only as they were honourable, and he then gave her ſerious Aſſurances of marrying her; and thereupon he the ſaid Right Honourable *C.* Lord *D.* took her the ſaid Party Proponent with his Right Hand by her Right Hand, and they did then and there ſeriouſly, ſolemnly and mutually contract themſelves together in the Form and Manner, and by the Words following, (to wit,) he holding her by the Right Hand ſaid, I do now take you to be my Wife, according to God's Holy Ordinance, and thereto I plight you my Troth; and their Hands continuing ſtill joined, ſhe the Party Proponent ſaid to him, I do now take you to be my Husband, according to God's Holy Ordinance, and thereto I plight you my Troth; all which was ſaid and done by them mutually in a ſolemn and ſerious Manner; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* doth know and believe in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

Pleading the Conſummation of the Contract by Carnal Copulation.

9. That immediately after they the ſaid Lord *D.* and the Party Proponent had ſo mutually contracted themſelves together in the Manner in the next preceding Article ſet forth, they retired into the Bed-Chamber on the ſame Floor, and there had Conſummation by the Carnal Copulation of each other's Bodies; and this was and is true, and ſo much the ſaid Lord *D.* knows and

and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

His Lordſhip ordering *A.B.* to buy her wedding Clothes and Linen.

10. That within the Time in the preceding Articles mentioned, he the ſaid Right Honourable *C.* Lord *D.* ordered her, the Party Proponent, to buy her wedding Clothes and Linen, which ſhe accordingly did; and this was and is true, and ſo much he the ſaid Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

His Lordſhip ordering *A. B.* to hire a Man Cook for him, and to agree with him at —— Pounds a Year Wages.

11. That within the Time in the next preceding Articles mentioned, he the ſaid Right Honourable *C.* Lord *D.* did declare to the Party Proponent, that ſince the Death of his late Lady he had not lived and kept Houſe in ſo hoſpitable a Manner as he had formerly done, but that now he was to marry again, he was determined to live and keep Houſe in a generous and hoſpitable way, and therefore gave Directions to the Party Proponent to hire a Man Cook for him, and to agree with him at — Pounds a Year Wages; and this was and is true, and ſo much the ſaid Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

That *A. B.* did accordingly hire a Man Cook, that the ſaid Cook thereupon waited on his Lordſhip, acquainting him he was hired by *A. B.* into his Lordſhip's Service, that his Lordſhip confeſſed he gave ſuch Directions, and thereupon did agree to allow the ſaid Cook —— Pounds a Year Wages, beſides Perquiſites.

12. That in Purſuance of ſuch Directions ſhe the Party Proponent did ſoon after, (to wit,) in a few Days after the ſaid Contract,

agree with and hire *E. F.* to ſerve the ſaid Lord *D.* as his Cook, at the yearly Wages of — Pounds and he the ſaid *E. F.* did by her Orders afterwards go to the ſaid Lord *D.* and acquainted him that he had been hired, and taken into his Lordſhip's Service, by the Party Proponent; and he the ſaid Lord *D.* then owned he had given ſuch Directions to the Party Proponent, and did then agree to give the ſaid *E. F.* —— Pounds a Year Wages, and to allow him the Perquiſites as uſual in Noblemen's Houſes, but afterwards pretended he had no need of a Man Cook; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

Pleading Lord *D.* after he had parted with *A. B.* and upon going into his Chair called aloud to *A. B.* in theſe or the like Words, *Pray Madam don't forget to ſend our Cook to me.*

13. That after the Contract in the preceding Articles mentioned, he the ſaid Right Honourable *C.* Lord *D.* viſited her the Party Proponent at her aforeſaid Lodgings in —— and after he was gone down Stairs, and going into his Chair, he called aloud to the Party Proponent in theſe, or the like Words, *Pray Madam don't forget to ſend our Cook to me*; and this was and is true, and ſo much the ſaid Right Honourable *C.* Lord *D.* knows and believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as above.

That Lord *D.* and *A. B.* are contracted together in lawful Marriage.

14. That by reaſon of the Premiſſes ſet forth and alledged in the ſeveral foregoing Articles, the ſaid Right Honourable *C.* Lord *D.* and the Party Proponent, are contracted together in lawful Marriage, and are lawful Man and Wife, and ought by Law

Law to be pronounced and declared as ſuch; and the Party Proponent doth alledge as above.

The Juriſdiction of the Court.

15. That the ſaid Right Honourable *C.* Lord *D.* was and is of the Pariſh of —— in the County of —— and Dioceſe of —— and by Virtue of Letters of Requeſt in this Behalf preſented and accepted, is ſubject to the Juriſdiction of this Court; and the Party Proponent doth alledge as above.

That *A. B.* hath duely complained.

16. That the Party Proponent in this Cauſe hath rightly and duely complained of the Premiſſes to you the (*here inſert the Title of the Judge*) aforeſaid, and to this Court; and doth alledge as above.

The Prayer of the Plaintiff, praying the Contract to be pronounced for, and the Defendant to be obliged to ſolemnize the ſame in the Face of the Church.

17. That all and ſingular the Premiſſes above ſet forth were and are true, publick and notorious; and thereof there was and is a publick Voice, Fame and Report, and of which legal Proof being made, the Party Proponent prays that Right and Juſtice may be effectually adminiſtred to her in the Premiſſes, and that it may be pronounced and declared, that they the ſaid Right Honourable *C.* Lord *D.* and *A. B.* being free from all matrimonial Contracts whatſoever, (ſaving to each other) did in the Months and Year beforementioned, or ſome or one of them, treat and communicate with each other of a Marriage to be had and ſolemnized between them, and did afterwards ſolemnly, ſeriouſly and mutually contract together, and with each other, a true, pure and lawful Marriage, in Words of the preſent Tenſe, effectual and apt thereto; and that it may be pronounced, decreed and declared for the Validity, full

Force and Strength of the ſaid Contract of Marriage to all Effects and Intents in Law whatſoever; and alſo that the ſaid Right Honourable *C.* Lord *D.* may by due Courſe of Law be compelled, conſtrained and obliged to ſolemnize the ſaid Marriage with the ſaid *A. B.* in the Face of the Church; and that you will further do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging herſelf to prove all and ſingular the Premiſſes, or to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and prays, that ſo far as ſhe ſhall prove in the Premiſſes, ſo far ſhe may obtain therein, (the Benefit of the Law being always preſerved) humbly imploring the Aid of your Office in this Behalf.

Nota, That the Libel was admitted, and Lord *D.* in his Anſwers thereto abſolutely denied the Contract pleaded in the eighth Article, as alſo the Conſummation of the ſame by Carnal Copulation, with any View of contracting himſelf in Marriage.

That *A. B.* thereupon examined two Witneſſes, to wit, *H. J.* her Servant Maid, and *J. K.* who proved the Contract and Conſummation in their Depoſitions upon Oath.

That Lord *D.* gave in an exceptive Plea to the Character of *J. K.* and thereupon examined many Witneſſes, proving her to be a Perſon of a wicked Life and Converſation, to be perjured upon Interrogatories, and bribed by *A. B.* in her Evidence, which was ſet aſide.

That upon the Face of the whole Proceedings the Court was of Opinion, That the Contract was an Impoſition, and therefore for want of ſufficient Proof diſmiſſed Lord *D.* from the ſame, each Party paying their own Coſts of Suit.

An Act of Guardianſhip to cite a Peer of the Realm in a Cauſe of Reſtitution of Conjugal Rites.

On —— the —— Day of ——— in the Year of our Lord —— between the Hours of —— and —— in the —noon of the ſame Day, before the Worſhipful *H. N.* Doctor of Laws, (*here inſert the Title of the Judge*) of the Right Reverend Father in God *J.* by Divine Permiſſion Lord Biſhop of —— lawfully appointed in the Pariſh Church of —— in the County of —— in the Preſence of *E. H.* Notary Publick.

A Buſineſs of electing and aſſigning the Honourable *H. R.* Eſq; Curator or Guardian to all Intents and Purpoſes in Law whatſoever, to the Right Honourable *M.* Lady Marchioneſs of *Z.* a Minor, now the Wife of the Right Honourable *J.* Lord Marquis of *Z.*

Upon which Day appeared perſonally the aforeſaid Right Honourable *M.* Lady Marchioneſs of *Z. &c.* and alledged, that ſhe is upwards of —— Years of Age, but under the Age of Twenty-one Years, and that

that ſhe was joined together in lawful Matrimony with the aforeſaid Right Honourable *J.* Lord Marquis of *Z.* by a Prieſt in Holy Orders; and that from and after the Solemnization of the ſaid Marriage, the ſame was conſummated between them by Carnal Copulation, and mutual Cohabitation, as lawful Husband and Wife; that notwithſtanding the Premiſſes, the aforeſaid Right Honourable *J.* Lord Marquis of *Z.* hath unjuſtly withdrawn himſelf, and ſtill does withdraw himſelf, from the Bed, Board and mutual Cohabitation with the ſaid Right Honourable *M.* Lady Marchioneſs of *Z.* his Wife, and hath refuſed, and ſtill doth refuſe, to render Conjugal Rites to her, wherefore ſhe made choice of, and the ſaid Judge did, at her Petition, admit and aſſign the aforeſaid *H. R.* Eſq; her natural and lawful Father, to be her Curator or Guardian to all Intents and Purpoſes in Law whatſoever, and more eſpecially to commence and inſtitute a Suit againſt the ſaid Marquis of *Z.* to compel and oblige him to render Conjugal Rites to her his ſaid Wife; and the ſaid *H. R.* was then preſent in Judgment, and took upon him the Guardianſhip of her the ſaid Minor, and thereupon the Judge decreed Letters Teſtimonal to be granted, which being done, the ſaid *H. R.* the Father and Guardian aforeſaid prayed, and the ſaid Judge did, at his Petition, decree the ſaid Right Honourable *J.* Lord Marquis of *Z.* to be moniſhed and cited by Letters miſſive, or according to the Manner of citing Peers of the Realm, lawfully and perſonally to ap-

pear in the (*here ſpecify the Place of Appearance*) upon —— the —— Day of —— next enſuing, between the Hours of —— and —— in the ——— noon of the ſame Day, then and there to anſwer to the aforeſaid Right Honourable *M.* Lady Marchioneſs of *Z.* his Wife, acting by the ſaid *H. R.* Eſq; her Father and Guardian, in a certain Cauſe of Reſtitution of Conjugal Rites, under Pain of the Law and Contempt thereof.

A Libel in a Cauſe of Reſtitution of Conjugal Rites.

IN the Name of God, *Amen:* Before you the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— and Official Principal of his —— Court, lawfully appointed your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *J. D.* (Wife of *R. D.*) of the Pariſh of —— in the County of —— and Dioceſe of —— againſt the ſaid *R. D.* and againſt any other Perſon or Perſons for him, lawfully intervening or appearing in Judgment by way of Complaint, and hereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

The Marriage pleaded.

1. That in the Months of ——— in the Year of our Lord —— or in ſome or one of them, the ſaid *R. D.* being then a Bachelor,

chelor, and the ſaid *J. D.* a Spinſter, being both free from all matrimonial Contracts whatſoever, (ſaving to each other) did mutually contract themſelves to each other in Marriage; and they the ſaid *R. D.* and *J. D.* were on or about the ——— Day of —— in the Year of our Lord —— in the Face of the Church joined together in Holy Matrimony by *A. B.* a Prieſt in holy Orders, according to the Rites and Ceremonies of the Church of *England*, who pronounced them to be lawful Man and Wife, and for and as ſuch were and are commonly accounted, reputed and taken to be by their Relations, Friends and Acquaintance; and the Party Proponent doth propound every Thing in this Article contained jointly and ſeverally, and doth alſo propound and alledge of any other Time and Place as ſhall appear from the Proofs to be made in this Cauſe.

Pleading Iſſue.

2. That from and after the Solemnization of the aforeſaid Marriage between the ſaid *R. D.* and the ſaid *J. D.* they the ſaid *R. D.* and *J. D.* conſummated the ſame by Carnal Copulation, Procreation of Children, and mutual Cohabitation, and lived and cohabited together as lawful Husband and Wife in the Pariſh of —— and in other Pariſhes and Places; and the Party Proponent doth propound every Thing in this Article contained jointly and ſeverally, and as before.

Pleading the Husband's Withdrawing himſelf from his Wife.

3. That notwithſtanding the Premiſſes the ſaid *R. D.* not having the Fear of God before his Eyes, and being unmindful of his conjugal Vow, hath, without any

lawful Reaſon, for ——— Years laſt paſt withdrawn, and ſtill does withdraw himſelf from the Bed, Board and mutual Cohabitation with the ſaid *J. D.* his Wife, and hath refuſed, and ſtill do refuſe, to render conjugal Rites to her; and the Party Proponent doth propound every Thing in this Article contained jointly and ſeverally.

Pleading the Wife's Intreaties for the Husband's Return, and his refutary Abſence.

4. That the ſaid *R. D.* ſince ſuch his Abſence and Withdrawing himſelf from the Bed, Board and mutual Cohabitation with his ſaid Wife *J. D.* and her Converſation, has been earneſtly on her Behalf, and by her often intreated to live and cohabit with, and treat her with conjugal Affection, as by his conjugal Vow he is obliged and ought; notwithſtanding which Intreaties he hath and ſtill doth (without any juſt Cauſe) refuſe to return to and render conjugal Rites to and with his ſaid Wife; and the Party Proponent doth propound and alledge as before.

5. That the ſaid *J. D.* the Party Agent in this Cauſe, hath rightly and duely complained of the Premiſſes to you the Judge aforeſaid, and to this Court; and the Party Proponent doth propound and alledge as before.

6. That the ſaid *R. D.* was and is of the Pariſh of ——— in the County of —— and Dioceſe of —— and therefore ſubject to the Juriſdiction of this Court; and the Party Proponent doth propound and alledge as before.

7. That all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice,

Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes; and that the Marriage above libellate may be pronounced for, and the ſaid *R. D.* compelled by Law to take home and receive the ſaid *J. D.* his Wife, and treat her with marital Affection, and render to her conjugal Rites; and that he be condemned in the Coſts made, or to be made, in this Suit on the Part and Behalf of the ſaid *J. D.* and to be compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given in this Cauſe, and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging himſelf to prove all and ſingular the Premiſſes, or to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

A Sentence in a Cauſe of Reſtitution of Conjugal Rites.

IN the Name of God, *Amen*: We *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— and Official Principal of the —— Court of —— lawfully appointed, rightly

and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Cauſe of Reſtitution of conjugal Rites, which is controverted, and remains undetermined before us in Judgment, between *A. G.* (Wife of *J. G.*) of the Pariſh of —— in the County of —— the Party Agent and Complainant on the one Part, and the ſaid *J. G.* the Party accuſed and complained of, on the other Part; and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *A. G.* (Wife of the ſaid *J. G.*) praying Sentence to be given, and Juſtice to be done to his Party; and the Proctor of the ſaid *J. G.* alſo earneſtly praying ——— to be done to his Party, and having firſt carefully and diligently ſearched into and conſider'd of the whole Proceedings had and done before us in this Cauſe, and having obſerved all and ſingular the Matters and Things that by Law in this Behalf ought to be obſerved, we have thought fit, and do thus think fit, to proceed to the giving our definitive Sentence or final Decree in this Cauſe in Manner following, to wit, foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Cauſe, we have found, and it doth evidently appear unto us, that the Proctor for the ſaid *A. G.* hath fully and ſufficiently founded and proved his Intention, deduced in a certain Libel, and other Pleadings and Exhibits given in, exhibited and admitted on his Behalf in this Cauſe, and now remaining

ing

ing in the Regiſtry of this Court (which ſaid Libel, other Pleadings and Exhibits we take, and will have taken, as if here read and inſerted) for us to pronounce, as hereinafter is pronounced; and that nothing at leaſt effectual hath on the Part and Behalf of the ſaid *J. G.* been excepted, deduced, alledged, exhibited, propounded, proved or confeſſed in this Cauſe, (which may or ought in any wiſe Defeat, Prejudice or Weaken the Intention of the ſaid *A. G.* Therefore we *H. H.* Doctor of Laws, the Judge aforeſaid, having firſt called upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare, that the ſaid *J. G.* and *A. G.* did, at the Time and Place in this Cauſe libellate, contract pure and lawful Matrimony, and did on or about the —— Day of —— in the Year of our Lord —— rightly and duely ſolemnize the ſame in the Face of the Church, according to the Rites and Ceremonies thereof, and did afterwards conſummate the ſame by Carnal Copulation and mutual Cohabitation; and we do pronounce, decree and declare the ſaid *A. G.* and *J. G.* to be lawful Husband and Wife; and we do by this our definitive Sentence or final Decree, which we now promulge by theſe Preſents, decree the ſaid *J. G.* to be admoniſhed, and by theſe Preſents do admoniſh him to perform Conjugal Rites with the ſaid *A. G.* his Wife, and to demean himſelf towards her at Bed and Board with ſuch Affection as he ought to treat his Wife; and we do alſo pronounce, decree

and

and declare, that the ſaid *J. G.* ought by Law to be condemned in lawful Coſts made, and to be made, in this Cauſe on the Part and Behalf of the ſaid *A. G.* to be paid to the ſaid *A. G.* or her Proctor, and accordingly we do condemn him in ſuch Coſts, which we tax and moderate to the Sum of —— Pounds of lawful Money of *Great Britain*; and we decree that the ſaid *J. G.* be admoniſhed, under Pain of the Sentence of the greater Excommunication, really and effectually to pay, or cauſe to be paid, the ſaid Sum taxed as aforeſaid, unto the ſaid *A. G.* or to her Proctor, within —— Days after the Execution of the ſaid Monition on the ſaid *J. G.* which Sentence of Excommunication againſt the ſaid *J. G.* not paying the Sum before taxed in the Manner and Form aforeſaid, and in ſuch Monition to be mentioned, ſuch Monition lawfully preceding, and he perſevering in his Contumacy, we the Judge aforeſaid, as well from then as now, as from now as then, do give and promulge by theſe Preſents, and in ſuch Caſe we do decree the ſaid *J. G.* to be openly and publickly denounced and declared excommunicated in the Face of the Church, by this our definitive Sentence or final Decree, which we read and promulge by theſe Writings.

The

The Effect of a Compulſory againſt a Witneſs to appear before Commiſſioners to give Evidence in a Cauſe of Nullity of Marriage by reaſon of Impotency.

To Mrs. *M. W.*

BY Virtue of a Compulſory herewith ſhewn unto you under Seal of the —— Court of —— you are cited to appear before the Reverend *J. S. R. F.* and *J. W.* and alſo *R. R. J. T.* and *M. W.* Clerks, Commiſſioners named and appointed by the Judge of the ſaid Court, in a Commiſſion for the Swearing and Examining Witneſſes in a certain Cauſe of Nullity of Marriage, by reaſon of Frigidity and Impotency, now depending in the ſaid Court, between the Honourable *A. B.* otherwiſe *D.* the pretended Wife of *E. B.* of ——— in the County of —— Eſq; and Dioceſe of —— of the one Part, and the ſaid *E. B.* Eſq; of the other Part, or any or either of them the ſaid Commiſſioners, in the Pariſh Church of —— in the County of —— on the —— Days of —— in the Year of our Lord —— or at any other Time and Place, to which the Commiſſioners aforeſaid, or any or either of them, ſhall jointly or ſeverally adjourn the Execution of the ſaid Commiſſion, then and there to take the uſual Oath of a Witneſs, and to teſtify the Truth of what you know in the ſaid Cauſe, and further

further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof.

A Libel in a Cauſe of Nullity of Marriage for Inceſt.

A. otherwiſe *B.* by }
Guardian againſt *A.* }

IN the Name of God, *Amen:* Before you the Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the moſt Reverend Father in God *J.* by Divine —— (*here inſert the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) lawfully conſtituted, or your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *A. A.* otherwiſe *B.* (Wife of *J. A.*) acting by *R. B.* Widow, her natural and lawful Mother and Guardian, lawfully appointed againſt the ſaid *J. A.* of —— in the County of —— lately the lawful Husband of *M. A.* otherwiſe *B.* deceaſed, whilſt living the natural and lawful Siſter of the ſaid *A. A.* otherwiſe *B.* and now aſſerting himſelf to be the lawful Husband of the ſaid *A. A.* formerly *B.* and againſt any other Perſon or Perſons whatſoever, lawfully intervening and appearing in Judgment before you for him by way of Complaint, and hereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

1. That

1. That in the Months of —— and —— in the Year of our Lord —— the ſaid *J. A.* being then a Bachelor, and the ſaid *M. A.* then *B.* being a Spinſter, he the ſaid *J. A.* did make his Addreſſes of Love and Courtſhip in the way of Marriage to her, and ſhe did admit of and receive ſuch his Addreſſes, and did conſent to marry him the ſaid *J. A.* and after the ſaid *J. A.* had obtained ſuch Conſent, he procured a Licence from the Office of the Right Reverend Father in God *R.* by Divine Permiſſion Lord Biſhop of ——— to ſolemnize ſuch Marriage; and this was and is true, publick and notorious, and well known to the ſaid *J. A.* and ſo much he hath acknowledged and confeſſed to be true; and the Party Proponent doth propound and alledge of any other Time as ſhall appear from the Proofs to be made in this Cauſe jointly and ſeverally.

Pleading the Defendant's firſt Courtſhip, as alſo the Obtaining of a Licence for the Marriage.

2. That the ſaid *J. A.* and *M. A.* then *B.* being free from all matrimonial Contracts, (ſaving to each other) were in or about the ſaid ——— Day of —— in the Year of our Lord ——— by Virtue of the aforeſaid Licence, lawfully married together in the Pariſh Church of ——— in the County of ——— by the Reverend *W. B.* Clerk, the Rector thereof, according to the Form of Matrimony preſcribed in the Book of Common Prayer and Liturgy of the Church of *England*; and this was and is true, publick and notorious; and the Party Proponent doth propound and alledge of any other Time, and as before.

The Time of the firſt Marriage, Name of the Church and Prieſt.

3. That

Exhibiting the Allegation or Affidavit made by the Defendant upon the Grant of the Licence for ſuch Marriage.

3. That the Party Proponent, for Supply of Proof of the Premiſſes in the firſt Article mentioned, and to all Intents and Purpoſes in Law whatſoever, doth exhibit, and hereunto annex, a true Copy of the Allegation or Affidavit made by the ſaid *J. A.* on his obtaining the aforeſaid Licence for ſolemnizing the ſaid Marriage, marked with the Letter (*A*) and doth alledge that the ſame is a true Copy of the original Allegation or Affidavit now remaining in the Regiſtry of the Vicar General of the ſaid Lord Biſhop of —— which he prays to be admitted and read, and taken as Part and Parcel thereof; and doth alledge that the Names (*J. A.*) appearing to be ſet and ſubſcribed to the ſaid original Allegation or Affidavit, were ſo ſet and ſubſcribed by and with the proper Hand of him the ſaid *J. A.* at the Time he came to obtain and procure the ſaid Licence, and that *J. A.* and *M. B.* in the ſaid Exhibit mentioned, and *J. A.* one of the Parties in this Cauſe, and the aforeſaid *M. A.* otherwiſe *B.* (Siſter of the ſaid *A. A.* otherwiſe *B.*) deceaſed, were and are the ſame Perſons, and not divers; and this was and is true, and the Party Proponent doth propound and alledge as before.

Exhibiting and Pleading the Certificate of the firſt Marriage.

4. That for further Supply of Proof of the ſaid Marriage ſo had and ſolemnized, and to all Intents and Purpoſes in Law whatſoever; the Party Proponent doth alſo exhibit, and hereunto annex, a Certificate thereof, being the Exhibit *B.* beginning thus: (Theſe are to certify whom it may concern, that *J. A.*) and ending thus: (By

Virtue of a Licence from the Lord Biſhop of ——) and ſubſcribed *W. B.* and doth alledge that the ſame is a true Certificate of the ſaid Marriage ſo had and ſolemnized between the ſaid *J. A.* and the ſaid *M. A.* deceaſed, whilſt living the Siſter of the ſaid *A. A.* otherwiſe *B.* the Minor aforeſaid, and taken from the Pariſh Regiſtry of Marriages, kept for and belonging to the ſaid Pariſh of ——— which Certificate he prays to be admitted and read, and taken as Part and Parcel thereof, and does agree therewith, and doth alledge that *J. A.* and *M. B.* mentioned in ſuch Certificate, and *J. A.* one of the Parties in this Cauſe, and the aforeſaid *M. A.* otherwiſe *B.* deceaſed, Siſter of the ſaid *A. A.* otherwiſe *B.* are the ſame Perſons, and not divers; and this was and is true, and the Party Proponent doth propound and alledge as before.

Pleading the Cohabitation and Death of the firſt Wife.

5. That upon and after the Solemnization of the ſaid Marriage between the ſaid *J.* and *M. A.* as mentioned in the ſecond Article of this Libel, they the ſaid *J. A.* and *M. A.* lived and cohabited together at Bed and Board as Husband and Wife, and conſummated their ſaid Marriage by Carnal Copulation, and ſo lived and cohabited together till on or about the ——— Day of ——— in the Year of our Lord ——— laſt paſt, when the ſaid *M.* departed this Life, and for and as lawful Husband and Wife they the ſaid *J.* and *M.* owned and acknowledged each other, and were ſo commonly accounted, reputed and taken to be among their Relations, Neighbours, Friends and Acquaintance; and this

this was and is true, publick and notorious, and the Party Proponent doth propound and alledge of any other Time, and as before.

The Birth of a Son in the ſaid Marriage, with the Certificate of his Baptiſm.

6. That the ſaid *J. A.* had by the ſaid *M.* his Wife a Son who was chriſten'd *W.* as the Son of them the ſaid *J.* and *M. A.* and for Supply of Proof of the Premiſſes, and to all Intents and Purpoſes in Law whatſoever, the Party Proponent doth exhibit, and hereunto annex, a Certificate marked (*C*), and prays that the ſame may be taken as herein repeated and inſerted, and did, and doth alledge, that the ſaid Certificate is faithfully extracted from the Regiſter of Chriſtenings belonging to the Pariſh of —— aforeſaid, and agrees therewith, and is wrote and ſubſcribed by the ſaid *W. B.* the Rector thereof, and that the Contents thereof were and are true; and that *W. A.* Son of *J.* and *M. A.* in the ſaid Certificate mentioned, and *W. A.* in this Article mentioned, as the Son of the ſaid *J.* and *M. A.* was and is one and the ſame Perſon, and not divers; and this was and is true, and the Party Proponent doth propound and alledge as before.

Pleading the Plaintiff to be the Guardian and Mother of the two Siſters, the Defendant married, as alſo the Relict of their late Father.

7. That the aforeſaid *R. B.* was and is the Relict of *C. B.* late Rector of —— aforeſaid deceaſed, and ſhe the ſaid *M. A.* deceaſed, and the ſaid *A. A.* otherwiſe *B.* the Minor aforeſaid, were and are the natural and lawful Daughters of the ſaid *R. B.* by the ſaid *C. B.* and as ſuch commonly accounted, reputed and taken to be in the ſaid Pariſh of —— and other Places; and this was and is true, and ſo much the ſaid

J. A. believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as before.

8. That for Supply of Proof of Part of the Premiſſes in the next immediate foregoing Article mentioned, and to all Intents and Purpoſes in Law whatſoever, the Party Proponent doth exhibit, and hereunto annex, two Certificates marked (*D*) and (*E*), and prays that the ſame may be taken as herein repeated and inſerted, and did, and doth alledge, that the ſaid Certificates are faithfully extracted from the Regiſter of Chriſtenings belonging to the Pariſh of ——— aforeſaid, and agree therewith, and were and are all wrote and ſubſcribed by the ſaid *W. B.* Clerk, the Rector thereof; and that the Contents thereof were and are true, and that *M. B.* the Daughter of *C. B.* and *R.* his Wife, in the Certificate (*D*), and *A. B.* the Daughter of *C. B.* and *R.* his Wife, in the Certificate (*E*), and the ſaid *C. B.* Clerk, Rector of ——— aforeſaid, and *R.* his Wife, and *M. A.* deceaſed, and *A. A.* otherwiſe *B.* the Minor aforeſaid, in the next preceding Article mentioned, are the ſame Perſons, and not divers; and this was and is true, and ſo much the ſaid *J. A.* believes in his Conſcience to be true; and the Party Proponent doth propound and alledge as before. Exhibiting the two Certificates of the Children's Baptiſm.

9. That after the Death of the ſaid *M. A.* the ſaid *J. A.* did by falſe and artful Inſinuations ſeduce and intice the ſaid late Wife's Siſter whom he afterwards married, and her Minor, as alſo the Licence for ſuch ſecond Marriage. Pleading the Artifices the Defendant uſed on his Age, being a

A. A. otherwiſe *B.* then a Spinſter, from her ſaid Mother's Houſe at —— aforeſaid, and taking Advantage of her tender Years, being then only Nineteen, and of her Ignorance in the Law, did prevail on her to marry him, and for that Purpoſe did procure a Licence from the Office of the Right Reverend Father in God *J.* by Divine Permiſſion Lord Biſhop of ——— to ſolemnize ſuch Marriage; and this was and is true; and the Party Proponent doth propound and alledge as before.

The particular Time of ſuch ſecond Marriage, and the Name of the Church and Clergyman.

10. That the ſaid *J. A.* and *A. A.* otherwiſe *B.* were on or about the —— Day of —— in the Year of our Lord ——— laſt paſt, by Virtue of the ſaid Licence married together in the Pariſh Church of ——— in the County of —— by the Reverend *R. H.* Clerk, Bachelor of Arts, a Prieſt in Holy Orders of the Church of *England*, according to the Form preſcribed in the Book of Common Prayer and Liturgy of the Church of *England*; and this was and is true, and ſo much the ſaid *J. A.* knows in his Conſcience to be true; and the Party Proponent doth propound and alledge as before.

Exhibiting the Allegation or Affidavit made upon the Grant of ſuch Licence for the Defendant's ſecond Marriage.

11. That the Party Proponent, for Supply of Proof of Part of the Premiſſes in the next foregoing Article mentioned, and to all Intents and Purpoſes in Law, doth exhibit, and hereunto annex, a true Copy of the Allegation or Affidavit made by the ſaid *J. A.* on his obtaining the ſaid Licence for ſolemnizing the ſaid Marriage, being the Exhibit (*F*), and doth alledge, that the ſame is a true Copy of the original Allegation

legation or Affidavit now remaining in the Regiſtry of the Vicar General of the ſaid Lord Biſhop of —— which he prays to be admitted and read, and taken as Part and Parcel thereof; and doth alledge, that *J.* and *A. B.* in the ſaid Exhibit mentioned, and *J. A.* one of the Parties in this Cauſe, and *A. B.* otherwiſe *A.* the Minor aforeſaid, and the natural and lawful Siſter of the ſaid *M. A.* deceaſed, are the ſame Perſons, and not divers; and this was and is true; and the Party Proponent doth propound and alledge as before.

The Certificate of the ſecond Marriage pleaded and exhibited.

12. That for further Supply of Proof of the ſaid Marriage in the tenth foregoing Article mentioned, and to all Intents and Purpoſes in Law, the Party Proponent doth exhibit, and hereunto annex, a Certificate thereof, being the Exhibit (*G*), beginning thus: (I do hereby certify that *J. A.* and *A. B.*) and ending thus: (As appears from the Regiſter Book of the ſaid Pariſh) and ſubſcribed *J. A.* and doth alledge that the ſame is a true Certificate of the ſaid Marriage ſo had and ſolemnized between the ſaid *J. A.* and the ſaid *A. A.* otherwiſe *B.* the Minor aforeſaid, and taken from the Pariſh Regiſtry of Marriages kept for and belonging to the ſaid Pariſh of —— which Certificate the Party Proponent prays may be admitted and read, and taken as Part and Parcel thereof, and does agree therewith; and doth alledge, that *J. A.* and *A. B.* mentioned in ſuch Certificate, and *J. A.* one of the Parties in this Cauſe, and the aforeſaid *A. A.* otherwiſe *B.* the Minor aforeſaid, were and are the

ſame Perſons, and not divers, and this was and is true; and the Party Proponent doth alledge and propound as before.

Propounding the ſecond Marriage inceſtuous, by Pleading the Table of Marriages and the 99th Canon.

13. That the ſaid pretended Marriage in Fact had and ſolemnized between them the ſaid *J. A.* and *A. A.* otherwiſe *B.* as mentioned and ſet forth in the tenth Article of this Libel, was and is prohibited by the Laws of God, and expreſſed ſo to be in a Table ſet forth by Authority in the Year of our Lord 1563, and that the ſaid Marriage by the Law of God, and Laws, Canons and Conſtitutions of this Church and Kingdom, and particularly by the 99th Canon of the Canons of 1603, was and is inceſtuous and unlawful, and to be diſſolved and made void from the beginning; and the ſaid *J. A.* and *A. A.* otherwiſe *B.* were and are to be ſeparated; and the Party Proponent doth propound and alledge as before.

Pleading the ſecond Marriage not conſummated by Carnal Copulation, that the Defendant's ſecond Wife left him, and the particular Time when.

14. That as ſoon as the ſaid *A. A.* otherwiſe *B.* was informed, and underſtood that the ſaid Marriage was unlawful and inceſtuous, and particularly on or about the —— Day of —— in the Year of our Lord —— laſt paſt, ſhe did forthwith leave the Company and Society of the ſaid *J. A.* and hath not accompanied or lived with him ſince; and the Party Proponent does further alledge, that they the ſaid *J.* and *A.* never conſummated the ſaid Marriage by Carnal Copulation; and this was and is true, and ſo much the ſaid *J. A.* knows and believes in his Conſcience, and hath confeſſed to be true; and the Party Proponent

nent doth propound and alledge of any other Time, and as before.

15. That the ſaid *J. A.* was and is of the Pariſh of —— in the County of —— and Dioceſe of —— and ſo forth, and by Reaſon thereof is ſubject to the Juriſdiction of this Court; and the Party Proponent doth propound and alledge as before.

16. That the ſaid *A. A.* otherwiſe *B.* by the ſaid *R. B.* her Guardian, the Party Agent in this Cauſe, hath rightly and duely complained of the Premiſſes to you the Judge aforeſaid, and to this Court; and the Party Proponent doth alledge as before.

17. That all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proof being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes; and the ſaid pretended Marriage, or rather Shew of Marriage, between the ſaid *J. A.* and the ſaid *A. A.* otherwiſe *B.* the Minor in this Cauſe, in Fact, tho' unduely ſolemnized, or rather prophaned, by reaſon of Inceſt, may be diſſolved and annulled, and pronounced to be null and void from the beginning, and the ſaid *J. A.* be condemned in Coſts of this Suit, made or to be made on the Part and Behalf of the ſaid *A. A.* otherwiſe *B.* acting by the ſaid *R. B.* her Guardian, and compelled to the due Payment thereof by you and your definitive Sentence or final Decree to be given in this Cauſe, and further to do

and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging herſelf to prove all and ſingular the Premiſſes, or to a ſuperfluous Proof thereof, againſt which the Party Proponent proteſts; and prays that ſo far as ſhe ſhall prove in the Premiſſes, ſo far ſhe may obtain (the Benefit of the Law being always preſerved) humbly imploring the Aid of your Office in this Behalf.

Exhibit marked (A) pleaded in the foregoing Libel.

—— Day of — in the Year of our Lord —

The Affidavit the Defendant made on obtaining Licence for the firſt Marriage pleaded in the firſt Article of the Libel.

WHICH Day appeared perſonally *J. A.* of the Pariſh of —— in the County of ——— Bachelor, aged above Twenty-one Years, and alledged, that he intendeth to intermarry with *M. B.* of ——— in the County of ——— Spinſter, aged above Twenty-one Years, not knowing or believing any Impediment, by Reaſon of any Precontract, Conſanguinity, Affinity, or any other lawful Means whatſoever, to hinder the ſaid intended Marriage; of the Truth of which he made Oath, and prayed Licence to ſolemnize the ſaid Marriage in the Pariſh Church of ——— in the County of —— aforeſaid.

Extracted from the Regiſtry of the —— Court of the Lord Biſhop of ——

J. A.

Sworn before me *W. W.*
Surrogate.

R. P. Deputy Regiſter.

(B.)

(*B.*)

Theſe are to certify whom it may concern, That *J. A.* of —— in the County of —— Bachelor, and *M. B.* of —— in the County of —— Spinſter, were married in the Pariſh Church of —— aforeſaid, the —— Day of —— in the Year of our Lord —— by Virtue of a Licence from the Lord Biſhop of —— by me the Rector of the ſaid Pariſh.

W. B.

The Certificate of the ſaid Marriage pleaded in the fourth Article.

(*C.*)

Theſe are to certify, That *W. A.* Son of *J.* and *M. A.* was baptized on the —— Day of —— in the Year of our Lord —— as appears from the Regiſter of Chriſtenings for the Pariſh of —— in the County of —— *Witneſs* my Hand the —— Day of ——

W. B.

The Certificate of the Baptiſm of a Son the Defendant had, under the firſt Marriage, pleaded in the ſixth Article of the Plaintiff's Libel.

(*D.*)

Theſe are to certify, That *M. B.* the Daughter of *C. B.* and *R. B.* his Wife, was baptized on the —— Day of —— in the Year of our Lord —— as appears by the Regiſter of Chriſtenings for the Pariſh of —— in the County of —— *Witneſs* my Hand the —— Day of ——

W. B. Rector.

The Certificate of the Baptiſm of the ſaid Defendant's firſt Wife pleaded in the eighth Article.

(*E.*)

Certificate of the ſaid Defendant's ſecond Wife's Baptiſm pleaded in the aforeſaid Article.

Theſe are to certify, That *A. B.* the Daughter of *G. B.* and *R.* his Wife, was baptized on the — Day of — in the Year of our Lord —— as appears by the Regiſter of Chriſtenings for the Pariſh of ——— in the County of —— *Witneſs* my Hand the —— Day of ——

W. B.

(*F.*)

—— Day of — in the Year of our Lord —

The Affidavit made by the ſaid Defendant on the Grant of the Licence for his ſecond Marriage pleaded in the ninth Article.

Appeared perſonally *J. A.* of the Pariſh of —— in the County of ——— Widower, aged Twenty-one Years and upwards, and alledged, that he intendeth to marry with *A. B.* of the Pariſh of —— in the County of —— Spinſter, aged Twenty-one Years; and that he knoweth of no lawful Let or Impediment by Reaſon of any Precontract, Conſanguinity, Affinity, or any other lawful Means whatſoever, to hinder the ſaid intended Marriage; of the Truth of which he made Oath, and prayed Licence to ſolemnize the ſaid Marriage in the Pariſh Church of —— in the County of ———

J. A.

Sworn before me *J. B.*
Surrrogate.

(*G.*)

(G.)

I do hereby certify, That *J. A.* and *A B.* were married in the Pariſh Church of —— in the County of —— on the —— Day of —— in the Year —— as appears from the Regiſter Book of the ſaid Marriage. *Witneſs* my Hand this —— Day of ——

Certificate of the ſaid ſecond Marriage pleaded in the twelfth Article of the Libel.

J. B. Rector of ——

A Proxy appointing a Proctor to appear for the Defendant to ſee a Libel given in and admitted, and to give a Negative Iſſue thereto in the ſame Cauſe.

A. otherwiſe *B.* by Guardian againſt *A.*

WHereas a pretended Cauſe of Nullity of Marriage, by Reaſon of Inceſt, is commenced and brought in the Court of the (*here inſert the Court in which the Cauſe is heard, with the Style thereof*) by *A. A.* otherwiſe *B.* acting by *R. B.* Widow, her Mother and Guardian, againſt *J. A.* her Husband in Fact.

Now know all Men by theſe Preſents, That I the ſaid *J. A.* have conſtituted and appointed, and by theſe Preſents do conſtitute and appoint *W. B. R. C.* and *J. L.* Notaries Publick, and Procurators General of the Arches Court of *Canterbury*, jointly and

and ſeverally, to be my true and lawful Proctor or Proctors, for me and in my Name to appear before the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the Reverend Father in God *J.* by Divine (*here mention the Archbiſhop or Biſkop to whoſe Province or Dioceſe the Cauſe belongs*) his Surrogate, or ſome other competent Judge in this Behalf, to ſee a Libel given in and admitted in the ſaid Cauſe, and to give a Negative Iſſue thereto, and to ſee Witneſſes produced and ſworn, and to adminiſter Interrogatories to ſuch Witneſſes, and to give in one or more Allegation or Allegations, and produce Witneſſes thereon, and to pray a definitive Sentence or Juſtice in the ſaid Cauſe, and generally to act and do for me in the ſaid Cauſe, hereby promiſing to ratify and confirm whatſoever my ſaid Proctors, or any or either of them, ſhall lawfully do or cauſe to be done therein. In *Witneſs* whereof I have hereunto ſet my Hand and Seal this —— Day of ——— in the Year of our Lord ———

J. A.

Sealed and delivered in the
Preſence of us

L. R.
E. C.

A Decree for the Defendant's Anſwers to the Libel.

A. otherwiſe *B.* by Guardian againſt *A.*

W. By Divine (*here inſert the Archbiſhop or Biſhop to whoſe Province or Dioceſe the Cauſe belongs*) To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'out our (*here inſert the Juriſdiction and Style of the Court*) Greeting: Whereas the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) lawfully conſtituted, rightly and duely proceeding in a certain Cauſe of Nullity of Marriage, by reaſon of Inceſt, now depending before him, between *A. A.* otherwiſe *B.* a Minor, (Wife of the ſaid *J. A.*) of the Pariſh of —— in the County of —— acting by *R. B.* Widow, her Mother and Guardian lawfully appointed, the Party Agent and Complainant of the one Part, and *J. A.* the Party accuſed and complained of, on the other Part, did, at the Petition of the Proctor of the ſaid *A. A.* otherwiſe *B.* acting by the ſaid *R. B.* Widow, her Guardian, decree the ſaid *J. A.* to be cited in Manner and Form, and to the Effect herein after mentioned, (Juſtice ſo requiring;) We therefore do by theſe Preſents authorize, impower and ſtrictly injoin ye, jointly and ſeverally, that ye peremptorily cite, or cauſe to be cited, the aforeſaid *J. A.* (by executing theſe Preſents

on

on Mr. *J. L.* Notary Publick, his the ſaid *J. A.*'s original Proctor in this Cauſe) to appear perſonally before our ſaid —— his Surrogate, or ſome other competent Judge in this Behalf, in the (*here ſpecify the Place of Appearance*) and Place of Judicature there, on —— the —— Day of —— next enſuing, between the Hours of —— and —— in the —— noon of the ſame Day, then and there to give in his Perſonal Anſwers upon Oath to the ſeveral Articles or Poſitions of a certain Libel and Exhibits therein mentioned in the ſaid Cauſe, on the Part and Behalf of the ſaid *A. A.* otherwiſe *B.* acting by the ſaid *R. B.* her Mother and Guardian, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and what ye ſhall do in the Premiſſes ye ſhall duely certify our ſaid —— his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ——

The

The Perſonal Anſwers of J. A. *of the Pariſh of* —— *in the County of* —— *made to the pretended Poſitions or Articles of a certain pretended Libel, and to the pretended Exhibits thereunto annexed, given in and admitted againſt him on the Part and Behalf of* A. A. *otherwiſe* B. *a Minor, acting by* R. B. *Widow, her natural and lawful Mother and Guardian, lawfully appointed, follow,* (*to wit,*)

A. otherwiſe *B.* by Guardian againſt *A.*

TO the firſt, ſecond, third, fourth, fifth and ſixth pretended Poſitions or Articles of the ſaid pretended Libel, and to the pretended Exhibits marked *A. B.* and *C.* therein exhibited, this Reſpondent anſwereth, that he believeth, and as to ſo much as relates to himſelf confeſſeth, the ſaid Articles and Exhibits, and every of them, to be true in every Part thereof.

Defendant confeſſeth the firſt Marriage and Exhibits pleaded in the firſt, ſecond, third, fourth, fifth and ſixth Articles.

To the ſeventh and eighth pretended Poſitions or Articles of the ſaid pretended Libel, and to the pretended Exhibits marked *D.* and *E.* thereunto annexed, this Reſpondent anſwereth, that he believeth the ſaid Articles and Exhibits, and every of them, to be true in every Part thereof.

Seventh and eighth Articles confeſſed.

To

Ninth Article pleading the Artifices uſed by the ſaid Defendant on his ſecond Wife denied.

To the ninth pretended Poſition or Article of the ſaid pretended Libel, this Reſpondent anſwereth, and denieth, that he this Reſpondent did by falſe and artful Inſinuations ſeduce and intice the articulate *A. A.* otherwiſe *B.* from her Mother's Houſe, or take Advantage of her tender Years as articulate, for that at or about the Time articulate, ſhe the ſaid *A. A.* otherwiſe *B.* did voluntarily and of her own Accord, and (as ſhe told this Reſpondent) by the Directions of her Mother (which this Reſpondent believes to be true) come to this Reſpondent's Houſe, and then and there ſeveral Times told and declared to the Reſpondent, and to ſeveral other Perſons in the Reſpondent's Preſence and Hearing voluntarily, and of her own Accord, that ſhe the ſaid *A. A.* otherwiſe *B.* was of Age, and above Twenty-one Years old, and the Reſpondent never knew, or otherwiſe heard, of the Age of the ſaid *A.* till after the Commencement of this Suit; and this Reſpondent ſaith, that referring himſelf to the Law he is adviſed, and therefore humbly conceives he is not by Law obliged to anſwer to the ſaid pretended Poſition or Article, or any Part thereof.

As to the 10th, 11th, 12th, 13th and 14th Articles, and to the Exhibits pleaded therein, the Defendant claims the Benefit of the Law not to anſwer.

To the tenth, eleventh, twelfth, thirteenth and fourteenth pretended Poſitions or Articles of the ſaid pretended Libel, and to the pretended Exhibits marked *F.* and *G.* therein exhibited, this Reſpondent anſwereth and ſaith, that he referreth himſelf to the Law, and that he is adviſed, and therefore humbly conceives that he is not by Law obliged to Anſwer to the ſaid Arti-

cles and Exhibits, or any or either of them, or to any Part thereof.

To the fifteenth and ſixteenth pretended Poſitions or Articles of the ſaid pretended Libel, this Reſpondent anſwereth and ſaith, that he doth confeſs and acknowledge the Juriſdiction of the Court as articulate.

To the laſt pretended Poſition or Article of the ſaid pretended Libel, this Reſpondent anſwereth and ſaith, that he believeth and confeſſeth what he hath believed and confeſſed, and denies what he hath denied.

A Decree in order to cite a Perſon by Ways and Means to appear every General Seſſion to ſee a Libel given in and admitted, and Sentence promulged, in a Cauſe of Nullity of Marriage, by reaſon of a former Marriage.

E. By Divine Permiſſion Lord Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'out our whole Dioceſe of — Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here recite the Titles of the Judge*) of our ——— Court of ——— lawfully appointed, rightly and duely proceeding, at the Petition of the Proctor of *A. B.* of the Pariſh of ——— and Dioceſe of——— alledging, that *C. B.* of the Pariſh of——— hath been lately cited and called to appear before our ſaid ——— his Surrogate, or ſome other competent Judge in this Behalf,

Behalf, on a certain competent Day, Time and Place therein appointed, and now paſt, to anſwer unto the ſaid *A. B.* in a certain Cauſe of Nullity of Marriage, by reaſon of a former Marriage; and that the ſaid *C. B.* no ways appearing, but contumaciouſly abſenting herſelf, was thereupon pronunced Contumacious, and in Pain thereof decreed excommunicated, (Juſtice ſo requiring;) And that the ſaid *C. B.* by our Authority Ordinary and Epiſcopal, was publickly and openly denounced Excommunicate in the Face of the Church, to wit, in the Pariſh Church of ——— and who ever ſince has continued, and ſtill does continue and perſevere Contumacious, and under ſuch Sentence of Excommunication (contemning the Eccleſiaſtical Cenſures) withdraws and abſconds from Juſtice in this Behalf; therefore the Judge aforeſaid hath, at the Petition of the Proctor of the ſaid *A. B.* decreed the ſaid *C. B.* to be cited and intimated to appear in Judgment in Manner and Form as hereafter is deſcribed and ſet forth, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly injoin and command you, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the ſaid *C. B.* perſonally, (if ſhe can be ſo cited, and ye can have ſafe and free Acceſs to her ſo to do) otherwiſe by publickly affixing this our Citation for ſome Time upon the outward Doors of the Houſe or laſt uſual Place of Abode of the ſaid *C. B.* or on the outward Doors of the Pariſh Church wherein the ſaid *C. B.* doth now or did lately dwell, during the Time of

Divine Service, on the *Sunday* or Feſtival Day next immediately following your Receipt of theſe Preſents, and leaving there affixed a true Copy thereof, and by all other lawful Ways, Means and Methods whatſoever, whereby this our Citation or Decree may moſt likely come to the Knowledge of her the ſaid *C. B.* ſo to be cited and intimated as aforeſaid, to appear before the Worſhipful *H. H.* Doctor of Laws, —— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon the —— Seſſion of —— Term, to wit, upon the —— Day of —— next enſuing, between the Hours of —— and —— in the —— noon of the ſame Day, then and there to anſwer unto the ſaid *A. B.* in a certain Cauſe of Nullity of Marriage, by reaſon of a former Marriage, and alſo upon all and every other General Seſſion and Seſſions to be held there from thence, until a definitive Sentence ſhall be read and promulged in the ſaid Cauſe incluſively, and to ſee and hear a Libel, and other Matters concludent in Law, given in and admitted on his Behalf, a Term aſſigned to prove the ſame, Witneſſes produced, received and ſworn thereupon, and their Sayings and Depoſitions publiſhed, a Term and Terms aſſigned to propound all Matters, the Cauſe aſſigned for Concluſion, and to be concluded and aſſigned for Sentence, and to hear a definitive Sentence read and publiſhed therein according to Law, and all and ſingular other judicial Acts neceſſary and by Law required

to be done and expedited in and about the Premiſſes, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof; and ye ſhall further peremptorily intimate, or cauſe to be intimated, the ſaid *C. B.* (to whom we intimate by the Tenor of theſe Preſents) that if ſhe does not appear on the Day, Time and Place, and to the Effect aforeſaid, and from thence on every General Seſſion and Seſſions, until a definitive Sentence ſhall be read and promulged in the ſaid Cauſe inclufively, or appearing ſhew not ſufficient Cauſe to the contrary, concludent in Law, the Judge aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, doth intend to proceed, and will proceed, to the admitting of a Libel, and other Matters concludent in Law, and to the Aſſigning of a Term to prove the ſame, and to the Receiving, Swearing and Admitting Witneſſes thereon, and to the Publication of their Sayings and Depoſitions, and to the Aſſigning of a Term or Terms to propound all Matters, and to the Aſſigning of a Term to conclude the Cauſe, and to the concluding and aſſigning the Cauſe for Sentence, and to the Reading and Promulging of a definitive Sentence therein, according to Law, and further to the expediting all other judicial Acts that ſhall be neceſſary and required by Law to be done and expedited in and about the Premiſſes, the Abſence, or rather Contumacy, of her the ſaid *C. D.* in any wiſe notwithſtanding; and what ye ſhall do, or cauſe to be done, in the Premiſſes, ye ſhall duely

duely certify our ——— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated*, &c.

A Libel in a Cauſe of Nullity of Marriage, by reaſon of a former Marriage, wherein the Record convicting the Party of Felony for the ſecond Marriage is exhibited and pleaded.

IN the Name of God, *Amen*: Before you the Worſhipful *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of ——— and ——— of his —— and —— Court of —— lawfully appointed, or your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *H. P.* againſt *M. K.* otherwiſe *H.* otherwiſe *T.* otherwiſe *P.* of the Pariſh of —— in the County of —— and Dioceſe of —— now or lately the Wife of *J. T.* and againſt any other Perſon or Perſons whatſoever, lawfully intervening or appearing for her before you in Judgment by way of Complaint, and thereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

1. That the ſaid *M. K.* otherwiſe *H.* otherwiſe *T.* otherwiſe *P.* being, or pretending to be, a ſingle Woman, and free from all matrimonial Contracts, did in the Months of

—— —— and —— which was in the Year of our Lord —— or in ſome or one of them, receive and entertain one *J. T.* as a Suitor to her in the way of Marriage, and a Marriage was in Fact ſolemnized between them the ſaid *J.* and *M.* on or about the —— Day of the ſaid Month of —— in the Chapel of the *Fleet* Priſon, *London*, by *J. M.* Clerk, a Prieſt in the Holy Orders of the Church of *England*, or by ſome other Miniſter in ſuch Orders then officiating as ſuch in the ſaid Chapel, according to the Rites and Ceremonies of the Church of *England*; and a Memorandum or Entry of ſuch Marriage was made and entred in the Regiſtry or Book kept by the ſaid *M.* for the Regiſtring of Marriages by him ſolemnized in the ſaid Chapel, and the ſaid Entry is made or entred in the Names of *J. T.* and *M. K.* without any other Addition or Denomination, as by the ſaid Regiſtry or Book may and doth appear; and this was and is true, publick and notorious; and the Party Proponent doth alledge of any other Time and Place as ſhall appear from the Proofs to be made in this Cauſe, and of every Thing elſe, jointly and ſeverally.

2. That the ſaid *J.* and *M.* did conſummate the ſaid Marriage by Carnal Copulation, and did live and cohabit together as Man and Wife, and did lie as ſuch in one and the ſame Bed, naked and alone together, at a Houſe ſituate in —— in the Pariſh of —— in the County of —— and for and as lawful Man and Wife were commonly accounted, reputed and taken to be;

and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report in the Pariſh of —— aforeſaid, and other Pariſhes and publick Places adjacent thereto; and the Party Proponent doth alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe, and as before.

3. That ſometime after the Solemnization of the ſaid Marriage in the preceding Articles mentioned, and the mutual Cohabitation of the ſaid *J.* and *M.* as before alledged, the ſaid *M. K.* otherwiſe *H.* otherwiſe *T.* otherwiſe *P.* pretending that ſhe was a Spinſter or ſingle Woman, did give Encouragement to the ſaid *H. P.* Party in this Suit, being then a Bachelor, to make his Addreſſes to and court the ſaid *M.* in the way of Marriage, and they the ſaid *H.* and *M.* did accordingly agree to be married, and on or about the —— Day of —— in the Year of our Lord —— they the ſaid *H. P.* by the Name and Addition of *H. P.* of —— in the County of —— Bachelor, and ſhe the ſaid *M.* by the Name and Addition of *M. K.* of the Pariſh of ——— in the County of ——— Spinſter, were in Fact joined together in the Eſtate of Matrimony, in the Pariſh Church of ——— aforeſaid, by Mr. *F. S.* Clerk, a Miniſter in Holy Orders of the Church of *England*, (who was then the Curate of the ſaid Pariſh, but ſince deceaſed) according to the Rites and Ceremonies of the Church of *England* (by Virtue of a Licence for that Purpoſe firſt duely obtained).

tained) in the Preſence of ſeveral credible Witneſſes; and this was and is true, publick and notorious; and the Party Proponent doth alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe, and as before.

4. That for Supply of Proof of the Premiſſes in the next foregoing Article mentioned, the Party Proponent doth exhibit hereunto annexed the Certificate of the ſaid Marriage in Parchment, marked with the Letter *A.* which ſaid Certificate the Party Proponent prays may be taken as if here read and inſerted for Part and Parcel thereof, and did, and doth alledge, that the ſaid Certificate was and is totally wrote and ſubcribed by and with the proper Hand-writing of the ſaid *F. S.* and ſo known and believed to be by ſeveral Perſons, who well knew and were acquainted with the Manner and Character of Hand-writing of the ſaid *F. S.* and that the ſaid Certificate doth in all Things agree with the Regiſtry kept for Marriages ſolemnized in the ſaid Pariſh Church of —— and that all Things were ſo had and done as in the ſaid Certificate is contained; and the Party Proponent doth alledge and propound as before.

5. That after the Solemnization, or rather Prophanation, of the ſaid Marriage, between the ſaid *H.* and *M.* they did conſummate the ſame by Carnal Copulation and mutual Cohabitation, and the ſaid *H.* and *M.* did live and cohabit together as Man and Wife for ſeveral Months after the Solemnization, or rather Prophanation, of the ſaid Marriage in the Pariſh of —— in the

the County of —— and other Pariſhes and publick Places adjacent thereto, and were commonly accounted, reputed and taken to be Man and Wife, until ſuch Time as it did appear, or that the ſaid *H. P.* had Notice given him, that the aforeſaid *J. T.* the ſaid *M.*'s Husband, to whom ſhe was married on the —— Day of —— in the Year of our Lord —— was alive; and this was and is true, publick and notorious; and the Party Proponent doth alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe; and the Party Proponent doth alledge and propound as before.

6. That the ſaid *H. P.* being informed of ſuch the ſaid Marriage between the ſaid *J. T.* and the ſaid *M.* did withdraw himſelf from the Company and Converſation of the ſaid *M.* and did afterwards cauſe a Bill of Indictment to be brought at the General Seſſions of the Peace for the City of *London*, at the *Guild-hall* of the ſaid City, upon —— the —— Day of —— laſt paſt, againſt the ſaid *M.* by the Name of *M. K.* Wife of — *K.* late of —— otherwiſe *M. H.* late of —— Spinſter, otherwiſe *M. T.* Wife of — *T.* late of —— otherwiſe *M. P.* Wife of *H. P.* late of —— for Felony for marrying, the ſaid *H. P. J. T.* the firſt Husband being then living; which Bill of Indictment was then and there found by the Jurors againſt the ſaid *M.* as by the Records of the ſaid Seſſions, to which the Party Proponent refers himſelf, may more fully and at large appear; and this was and is true, publick

and notorious; and the Party Proponent doth alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe; and the Party Proponent doth alledge and propound as before.

7. That at the Gaol-Delivery for *Newgate*, held for the City of *London* at the Juſtice-Hall in the *Old Bailey*, on the —— Day of the ſaid Month of —— the ſaid *M.* by the Name of *M. K.* otherwiſe *M. H.* otherwiſe *M. T.* otherwiſe *M. P.* being then in Cuſtody, and brought to the Bar, did plead Guilty to the aforeſaid Indictment, and thereupon the Court did adjudge that the ſaid *M.* ſhould for the ſaid Felony be burnt in the Left Hand, and ſhe did accordingly undergo the ſaid Puniſhment according to the ſaid Judgment; and this was and is true, publick and notorious; and the Party Proponent doth alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe; and the Party Proponent doth alledge and propound as before.

8. That for Supply of the Premiſſes in the two next preceding Articles mentioned, the Party Proponent doth exhibit, and hereunto annex, a Copy of the Record of the ſaid Proceedings ſo had and done at the *Guild-hall* and *Old-Bailey*, marked with the Letter *B.* and did, and doth alledge, that the ſame is a true Copy of the original Record now remaining in the Office of the Clerk of the Peace of the City of *London*, and carefully examined therewith, and is ſigned by Mr. *J.* the Town-Clerk, referring to the ſaid Copy of the ſaid Record; and this

was

was and is true, publick and notorious; and the Party Proponent doth alledge as before.

9. That *M. K.* that was ſo married to the ſaid *J. T.* and *M. K.* otherwiſe *M. H.* otherwiſe *M. T.* otherwiſe *M. P.* who was ſo indicted and puniſhed (as appears by the Copy of the ſaid Record) was and is one and the ſame Perſon, and not divers; and this was and is true, publick and notorious; and the Party Proponent doth alledge and propound as before.

10. That the ſaid *J. T.* is now living, or at leaſt was alive at the Time of the Solemnization, or rather Prophanation, of the ſaid Marriage between the ſaid *M.* and the ſaid *H. P.* (that is to ſay,) on the —— Day of ——— and did live ſome Months after, and was ſeen and known by ſeveral of his Friends and Acquaintance after the ſaid —— Day of —— and this was and is true, publick and notorious; and thereof there was and is a publick Voice, Fame and Report; and the Party Proponent doth alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe; and the Party Proponent doth alledge and propound as before.

11. That the ſaid *M. K.* otherwiſe *H.* otherwiſe *T.* otherwiſe *P.* was and is of the Pariſh of —— and Dioceſe of ——— and by reaſon thereof is ſubject to the Juriſdiction of this Court; and the Party Proponent doth alledge and propound as before.

12. That the ſaid *H. P.* the Party Agent in this Cauſe, hath rightly and duely complained of the Premiſſes to you the Judge aforeſaid, and to this Court; and the Party

Party Proponent doth alledge and propound as before.

13. That all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes, and alſo that the pretended Marriage aforeſaid contracted, had and ſolemnized between the ſaid *H. P.* and *M. K.* otherwiſe *H.* otherwiſe *T.* otherwiſe *P.* was and is void and of no Effect in Law, and did and doth want the Force and Effect of the Law, and may be ſo pronounced, and be pronounced free from any Bond of Marriage with each other, and that the ſaid *H. P.* may have the Liberty and Freedom of Marriage with any other Woman; and that the ſaid *M. K.* otherwiſe *H.* otherwiſe *T.* otherwiſe *P.* be condemned in the Coſts of this Suit made, and to be made, on the Part and Behalf of the ſaid *H. P.* and compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given in this Cauſe, and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging himſelf to prove all and ſingular the Premiſſes, or to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

An

An Act of Court upon the Admiſſion of an Allegation, granting a Decree for Anſwers, as alſo upon producing of Witneſſes and an Interpreter.

S. againſt *R.*
R. *G.*

UPON the Admiſſion of *G.*'s Allegation, and upon his Petition, a Copy thereof being delivered two Days before; on which Day *G.* prayed his Allegation to be admitted in the Preſence of *S.* for *R.* not oppoſing the Admiſſion thereof; whereupon the Judge, at the Petition of *G.* admitted the ſaid Allegation, and decreed the ſaid *J. S.* Eſq; *R.*'s Client, to be cited at the ſaid Mr. *R.*'s Office to appear on the —— Seſſion of —— Term, to wit, on —— the —— Day of —— in (*here ſpecify the Place of Appearance*) between the Hours of —— and —— in the —— noon of the ſame Day, and give his Perſonal Anſwers to the ſeveral Poſitions or Articles of the ſaid Allegation, by Virtue of his corporal Oath, under Pain of the Law, and Contempt thereof; this being done, *G.* exhibited an Affidavit on the Oath of his Client the ſaid *E. S.* Party in this Cauſe, in the Preſence of *S.* for *R.* who exhibited an Affidavit on the Oath of his Client the ſaid *J. B.* alſo a Party in this Cauſe, which they reſpectively prayed to be admitted; whereupon the Judge, having heard Advocates and Proctors on both Sides, reſerved *G.*'s Petition; which being done, *S.* for *R.* on the Libel given in and admitted

in

in this Cauſe on the Part and Behalf of his ſaid Client, produced as Witneſſes *J. D.* and *D. H.* whom the Judge, at his Petition, admitted and adminiſtred to them reſpectively the uſual Oath of a Witneſs, and admoniſhed them to undergo their ſeveral Examinations whenever they ſhould have timely Notice thereof; then the ſaid *S.* for *R.* produced *H. G.* who was ſworn and admoniſhed to perform the Office of an Interpreter, at which Time the ſaid *S.* for *R.* on the Libel given in and admitted as aforeſaid, produced *C. P.* as a Witneſs, whom the Judge admitted and adminiſtred the uſual Oath, and admoniſhed to the Effect aforeſaid, by the Interpretation of the ſaid *H. G.* in the Preſence of *G.* diſſenting thereto; and having the uſual Time by Law required for the adminiſtring Interrogatories to all the ſaid Witneſſes, if he ſhall think fit, or any other Time before their Examinations.

A Sentence in a Cauſe of Nullity of Marriage by reaſon of a former Marriage.

IN the Name of God, *Amen*: We *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— and (*here inſert the Title of the Judge*) of the —— Court of ——— lawfully appointed, rightly and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Cauſe of Nullity of Marriage,

by

by reaſon of a former Marriage, which is controverted, and remains undetermined before us in Judgment between *A. H.* otherwiſe *D.* late of the Pariſh of ——— but now of —— in the County of —— the Party Agent and Complainant of the one Part, and *J. D.* late of —— in the County of ——— but now of the Pariſh of ——— the Party accuſed and complained of, on the other Part; and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *A. H.* otherwiſe *D.* praying Sentence to be given, and Juſtice to be done to his Party; and the Proctor of the ſaid *J. D.* alſo earneſtly praying ——— to be done to his Party, and having firſt carefully and diligently ſearched into and conſidered of the whole Proceedings had and done before us in this Cauſe, and having obſerved all and ſingular the Matters and Things that by Law in this Behalf ought to be obſerved, we have thought fit, and do thus think fit, to proceed to the giving our definitive Sentence or final Decree in this Cauſe in Manner following: Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Cauſe, we have found, and it doth evidently appear unto us, that the Proctor of the ſaid *A. H.* otherwiſe *D.* hath ſufficiently and fully founded and proved his Intention, deduced in a certain Libel, and other Pleadings and Exhibits given in, exhibited and admitted on her Behalf in this Cauſe, and now remaining in the Regiſtry of this Court (which ſaid Libel, other Pleadings

Pleadings and Exhibits, we take, and will have taken, as if here read and inſerted) for us to pronounce, as herein after is pronounced; and that nothing, at leaſt nothing effectual in Law, hath on the Part and Behalf of the ſaid *J. D.* been excepted, deduced, alledged, exhibited, propounded, proved or confeſſed in this Cauſe, which may or ought in any wiſe Defeat, Prejudice or Weaken the Intention of the ſaid *A. H.* otherwiſe *D.* Therefore we *H. H.* Doctor of Laws, the Judge aforeſaid, firſt calling upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare, that the ſaid *J. D.* and *E. S.* mentioned in the Proceedings of this Cauſe, being free from all matrimonial Contracts or Eſpouſals, did, at the Time and Place in this Cauſe Libellate, contract true, pure and lawful Marriage between each other, and did ſolemnize, or cauſe the ſame to be ſolemnized in the Face of the Church, and afterwards conſummated the ſame by Carnal Copulation and mutual Cohabitation, and that the ſaid *J. D.* and *E. S.* were and are lawful Husband and Wife; and we do pronounce, decree and declare for the Force, Validity and Effect of the ſaid Marriage had, contracted, ſolemnized and conſummated between them as aforeſaid, to all Intents and Purpoſes in Law whatſoever; and that the ſaid *J. D.* not having the Fear of God before his Eyes, but being inſtigated and ſeduced by the Devil, did in the Year of our Lord —— aſſert himſelf to be a Bachelor and unmar-

ried, and free from all matrimonial Contracts or Eſpouſals, and afterwards as ſuch, to wit, on the ——— Day of —— in the Year of our Lord ——— did contract a pretended Marriage with the ſaid *A. H.* and that ſuch pretended Marriage, or rather Effigies of a Marriage, was contracted at the Time and Place Libellate between the ſaid *J. D.* and the aforementioned *A. H.* otherwiſe *D.* the Party Agent in this Cauſe, and ſolemnized, or rather prophaned, between them, (ſhe the ſaid *E. S.* being then and now living;) therefore, and for the Cauſes before-mentioned, we pronounce, decree and declare the ſaid pretended Marriage, or rather Shew of a Marriage, ſo far as aforeſaid contracted, and afterwards had, ſolemnized, or rather prophaned, between the ſaid *J. D.* and *A. H.* otherwiſe *D.* was and is, by reaſon of the former Marriage as aforeſaid had and ſolemnized between the ſaid *J. D.* and *E. S.* from the beginning void, and of no Force or Avail in Law, and doth want, and ought to want, the Force of the Law; and we further pronounce, decree and declare, that the ſaid *A. H.* otherwiſe *D.* was and is free from all Bond of Marriage with the ſaid *J. D.* and had, and hath full Power and Liberty to contract Marriage with any other Perſon; and alſo we pronounce, decree and declare, that the ſaid *J. D.* ought by Law to be condemned in lawful Expences made, and to be made in this Cauſe, on the Part and Behalf of the ſaid *A. H.* to be paid to the ſaid *A. H.* otherwiſe *D.* or her Proctor, and accordingly we

we do condemn him in ſuch Expences, which Coſts we moderate to, and tax at, the Sum of ——— of lawful Money of *Great Britain*, and decree the ſaid *J. D.* to be moniſhed, under Pain of the greater Excommunication, really and effectually to pay, or cauſe to be paid, the ſaid Sum of —— ſo taxed as aforeſaid unto the ſaid *A. H.* otherwiſe *D.* or to her Proctor, within —— Days after the Execution of a Monition on the ſaid *J. D.* which Sentence of Excommunication againſt the ſaid *J. D.* not paying the ſaid Sum before taxed in the Manner and Form aforeſaid, and in ſuch Monition to be mentioned, ſuch lawful Monition preceding, and he perſevering in his Contumacy, we *A. M.* Clerk, Maſter of Arts, a Presbyter, in this Behalf lawfully authorized, as well now as then, and as well then as now, do give and promulge by theſe Preſents, and we the Judge aforeſaid in ſuch Caſe do decree the ſaid *J. D.* to be openly and publickly denounced and declared excommunicated in the Face of the Church, by this our definitive Sentence, which we read and promulge by theſe Writings.

A Libel in a Cauſe of Jactitation of Marriage.

IN the Name of God, *Amen:* Before you the Right Worſhipful *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— and ——— of his —— Court of —— lawfully appointed your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *J. S.* of the Pariſh of —— in the County of —— and Dioceſe of —— againſt *J. K.* otherwiſe *M.* of the Pariſh of ——— in the County and Dioceſe aforeſaid, and againſt any other Perſon or Perſons whatſoever, lawfully intervening or appearing in Judgment for her by way of Complaint, and hereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

1. That the aforeſaid *J. S.* was and is free, and no ways engaged in any matrimonial Contracts or Eſpouſals with the ſaid *J. K.* otherwiſe *M.* and for and as a Perſon ſo free, and no ways engaged, was and is commonly reputed and taken to be among his Friends, Neighbours and familiar Acquaintance; and the Party Proponent doth propound every Thing in this Article contained jointly and ſeverally.

2. That the ſaid *J. K.* otherwiſe *M.* ſufficiently knowing the Premiſſes, and notwithſtanding the ſame, did in the ſeveral Months

of —— and —— in the Year of our Lord ——within the Pariſh of—— in the County of ——— and other Pariſhes and Places in the Neighbourhood thereof, and thereunto adjoining, or, at, and in all, ſome or one of the aforementioned Times and Places, in the Preſence of ſeveral credible Witneſſes, falſly and maliciouſly boaſt, aſſert and report, that ſhe was contracted in Marriage with the ſaid *J. S.* whereas in Fact no ſuch Marriage was ever contracted between them; and this was and is true; and the Party Proponent doth alſo propound and alledge of any other Time and Place as ſhall appear from the Proofs to be made in this Cauſe, and as before.

3. That the aforeſaid *J. K.* otherwiſe *M.* hath been oftentimes, at leaſt once, on the Behalf of the ſaid *J. S.* and his Friends and Acquaintance asked and required to ceaſe, deſiſt and abſtain from her ſaid pretended falſe and malicious Boaſtings, Aſſertions and Reports, as mentioned in the next preceding Article; and the Party Proponent doth propound and alledge as before.

4. That the ſaid *J. K.* otherwiſe *M.* being (as aforeſaid) asked and required to ceaſe, deſiſt and abſtain from her pretended falſe and malicious Boaſtings, Aſſertions and Reports, hath not in the leaſt, nor doth not in the leaſt at preſent ceaſe, deſiſt and abſtain therefrom, but continually with like Raſhneſs and Malice doth falſly and maliciouſly boaſt, aſſert, affirm and report the ſame, to the great Danger of her Soul, no ſmall Prejudice of the ſaid *J. S.* and pernicious Example of others; and this was and

is

is true, publick and notorious; and the Party Proponent doth propound and alledge as before.

5. That of all and ſingular the Premiſſes it was and is, by and on the Part and Behalf of the ſaid *J. S.* thinking himſelf greatly aggrieved and diſquieted by reaſon of the ſaid pretended Boaſtings, Aſſertions and Reports of the ſaid *J. K.* otherwiſe *M.* rightly and duely complained to you the Judge aforeſaid for a ſuitable Remedy to be had and provided in this Behalf; and the Party Proponent doth propound and alledge as before.

6. That the ſaid *J. K.* otherwiſe *M.* was and is of the Pariſh of —— in the County of —— and Dioceſe of —— aforeſaid, and therefore ſubject to the Juriſdiction of this Court; and the Party Proponent doth propound and alledge as before.

7. That all and ſingular the Premiſſes aforeſaid were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes; and alſo that by this Court it may be pronounced, decreed and declared, that the ſaid *J. S.* at and during all the Time mentioned in the Libel, was and is free from all matrimonial Contracts with her the ſaid *J. K.* otherwiſe *M.* and that notwithſtanding the Premiſſes, did in the Year, Months and Places in the Libel mentioned, or in ſome or one of them, falſly and maliciouſly boaſt, aſſert

and report, that ſhe was married to or contracted in Marriage with the ſaid *J. S.* and that ſhe may be injoined perpetual Silence in the Premiſſes, and obliged and compelled to ceaſe, deſiſt and abſtain from ſuch her falſe and malicious Boaſtings, Aſſertions and Reports for the future, and that ſhe be condemned in the Coſts made, or to be made in this Cauſe, on the Part and Behalf of the ſaid *J. S.* and be compelled to the due Payment thereof by you or your definitive Sentence or final Decree to be given in this Cauſe, and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging himſelf to prove all and ſingular the Premiſſes, or to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

A Libel of Appeal in the Arches from a Sentence given in the Court below, in a Cauſe of Facilitation of Marriage.

IN the Name of God, *Amen:* Before you the Right Worſhipful *J. B.* Doctor of Laws, Official Principal of the Arches Court of *Canterbury*, your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *A. B.* of the Dioceſe of —— and Province of *Canterbury*, againſt *C. D.* of

of the Dioceſe and Province aforeſaid, and alſo againſt any other Perſon or Perſons lawfully intervening or appearing for him before you in Judgment by way of Appeal and Complaint, and thereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, to wit,

1. That a certain Cauſe of Jactitation of Marriage was lately controverted and depending before the Worſhipful *H H.* Doctor of Laws, Vicar General and Official Principal of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— between the aforeſaid *A. B.* the Party promoting the ſaid Cauſe, of the one Part, and the ſaid *C. D.* the Party againſt whom the ſaid Cauſe was promoted, on the other Part; and the Party Proponent doth alledge and propound every Thing in this Article contained jointly and ſeverally.

2. That the ſaid *H. H.* Doctor of Laws, the pretended Judge aforeſaid, unduely and unjuſtly proceeding in the ſaid Cauſe, (ſaving the Reverence due to him) and too much favouring the Party of the ſaid *C. D.* more than he ought by Law, not in the leaſt regarding the Requiſites or juſt Forms of Law, or judicial Proceedings, did in Fact (tho' unduely) read and promulge a pretended definitive Sentence in Writing (tho' null and invalid in Law) on the Part and Behalf, and in Favour, of the ſaid *C. D.* and againſt the ſaid *A. B.* in the ſaid Cauſe, againſt Right and Juſtice, and without any ſufficient and lawful Proofs in that Behalf

had and made, acting in all Things nully and unjuſtly, as well by Virtue of his pretended Office, as of the unjuſt Inſtigation, Sollicitation, Procurement and Petition of the ſaid *C. D.* or his Proctor, to the very great Detriment and Prejudice of the ſaid *A. B.* and the Party Proponent doth propound and alledge as before.

3. That the Proctor of the ſaid *A. B.* looking upon and believing her to be very much hurt, injured and aggrieved by and from all and ſingular the Nullities, Iniquities, Injuſtices, Grievances and Errors of Proceedings aforeſaid, and juſtly fearing that his ſaid Party may be further injured and aggrieved thereby, hath rightly and duely appealed from them, and every of them, and more eſpecially from the ſaid definitive Sentence in Writing, and from his pretended promulging thereof, and from every Thing following therefrom to the Arches Court of *Canterbury*, and to you the Official Principal thereof, and hath equally and alike principally complained of all and ſingular the Nullities, Iniquities, Injuſtices, Grievances and Errors in proceeding aforementioned; and the Party Proponent doth propound and alledge as before.

4. That the ſaid *C. D.* was and is of the Dioceſe of —— and Province of *Canterbury*, and by Means thereof, and the Reaſon of the ſaid Appeal and Complaint made and interpoſed in this Behalf, is ſubject to the Juriſdiction of this Court; and the Party Proponent doth propound and alledge as before.

5. That

5. That all and ſingular the Premiſſes beforementioned were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be adminiſtred to him and his Party in the Premiſſes, and that the Appeal and Complaint made and interpoſed on the Behalf of the ſaid *A. B.* may be pronounced for and decreed juſt and lawful, and for juſt and lawful Cauſe made and interpoſed, and for your Juriſdiction; and alſo that the ſaid Judge, from whom the ſaid Cauſe is appealed, hath proceeded wrongfully, nully and unjuſtly, and that you will reverſe the ſaid pretended definitive Sentence, and declare the ſame null and void, and the ſaid *C. D.* to be condemned in the Coſts of this Suit made, or to be made, as well in this Inſtance, as in the firſt Inſtance of this Cauſe, on the Part and Behalf of the ſaid *A. B.* and to be compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given in this Cauſe, humbly imploring the Aid of your Office in this Behalf.

A Sentence for an Appeal.

IN the Name of God, *Amen*: We *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully conſtituted, rightly and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits

and Circumſtances of a certain Cauſe of Appeal and Complaint of Nullity, now controverted and remaining undetermined before us in Judgment, between *T. T.* of the City of —— in the County of ——— and Province of —— the Party Appellant and Complainant on the one Part, and *J. E.* in the County and Province aforeſaid, the Party Appellate and complained of, on the other Part; and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *T. T.* praying Sentence to be given, and Juſtice to be done to his Party, and the Proctor of the ſaid *J. E.* alſo earneſtly praying ——— to be done to his Party, and having firſt carefully and diligently ſearched into and duely conſidered the whole Proceedings had and done before us in this Cauſe, and obſerved what by Law ought to be obſerved in this Behalf, we have thought fit, and do thus think fit, to proceed to the giving our definitive Sentence or final Decree in this Cauſe in Manner following, (to wit,) Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Cauſe, we have found, and it doth evidently appear unto us, that the Proctor for the ſaid *T. T.* hath fully and ſufficiently founded and proved his Intention, deduced in a certain Libel of Appeal, and other Pleadings and Exhibits given in, exhibited and admitted on his Behalf in this Cauſe, and now remaining in the Regiſtry of this Court (which Libel of Appeal, and other Pleadings and Exhibits, we take, and will have

have taken, as if here read and inſerted) for us to pronounce as herein after is pronounced, and that nothing, at leaſt nothing effectual, hath on the Part and Behalf of the ſaid *J. E.* been excepted, deduced, alledged, exhibited, propounded, proved or confeſſed in this Cauſe, which may, or ought in any wiſe Defeat, Prejudice or Weaken the Intention of the ſaid *T. T.* Therefore we *J. B.* Doctor of Laws, the Judge aforeſaid, having firſt called upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare, for the Appeal and Complaint on the Part and Behalf of the ſaid *T. T.* made and interpoſed to the —— Court of —— aforeſaid, and to us the ——— of the ſaid Court; and we do alſo pronounce, decree and declare the ſame Appeal and Complaint to be juſt and lawful, and for juſt and lawful Cauſes made and interpoſed, and for our Juriſdiction, and that the Judge by his pretended (*a*) —— made and given by him from whom the ſaid Appeal and Complaint is brought, did nully and unjuſtly proceed, decree and adjudge therein, and we do revoke and declare null and void the ſaid pretended —— made and given by the ſaid Judge in Favour of the ſaid *J. E.* againſt the ſaid *T. T.* and all and ſingular the Grievances, Nullities, Iniquities and Injuries done and inflicted on or againſt the ſaid *T. T.* by the Judge from whom the ſaid Cauſe is appealed, and eſpecially all thoſe Matters and Things, or ſuch for which the ſaid Appeal and Complaint is brought;

(*a*) Inſert the Grievance of the Appeal, whether from Sentence or Interlocutory.

brought; and we do alſo pronounce, decree and declare, that the ſaid *T. T.* ought to be diſmiſſed and diſcharged from the Inſtance and Demand of the ſaid *J. E.* charged in the Libel, admitted in the firſt Inſtance of this Cauſe, and from all further Obſervation in Judgment in this Behalf, and we do hereby diſmiſs and diſcharge him accordingly; and we do alſo pronounce, decree and declare, that the ſaid *J. E.* ought by Law to be condemned in the Coſts of Suit made, and to be made, as well in this as in the firſt Inſtance of this Cauſe, on the Part and Behalf of the ſaid *T. T.* and to be compelled to the due Payment thereof to the ſaid *T. T.* or his Proctor, and accordingly we do condemn her in ſuch Expences, but the Taxation or Moderation of the ſame we reſerve to us, our Surrogate, or ſome other competent Judge in this Behalf, by this our definitive Sentence or final Decree, which we read and promulge by theſe Preſents.

A Monition for the Tranſmiſſion of a Proceſs in a Cauſe of Appeal in the Arches.

J. *B.* Doctor of Laws, Official Principal of the Arches Court of *Canterbury*, lawfully conſtituted, To all and ſingular Clerks and literate Perſons whomſoever and whereſoever within our whole Province of *Canterbury*, Greeting: Whereas we rightly and duely proceeding in a certain Cauſe of Appeal and Complaint of Nullity, now depending before

us

us in Judgment, between *A. B.* of —— in the Pariſh of — in the County of — and Dioceſe of —— and Province of *Canterbury*, the Party Appellant and Complainant of the one Part, and *P. L.* of ——— in the Pariſh of —— in the County, Dioceſe and Province aforeſaid, the Party Appellate and complained of, on the other Part, have, at the Prayer of the Proctor of the ſaid *A. B.* interpoſed our Interlocutory Decree for tranſmitting the whole and intire Proceedings of the Judge, from whom the ſaid Appeal and Complaint is brought, in Manner and Form herein after mentioned, (Juſtice ſo requiring;) We do therefore ſtrictly injoin and command you, and every of you, jointly and ſeverally, that you do moniſh, or cauſe to be moniſhed, the Worſhipful *W. B.* Doctor of Laws, Vicar General and Official Principal of the Right Reverend Father in God *J.* by Divine Permiſſion Lord Biſhop of —— the Judge from whom the ſaid Appeal and Complaint is brought, his Surrogate or Surrogates, his Regiſter or Actuary in ſpecial, and all others in general, in whoſe Power, Cuſtody or Poſſeſſion, any Acts enacted, Exhibits, Muniments, Inſtruments and Proceedings whatſoever, which do any ways relate to or concern the ſaid Cauſe, be or remain, (whom we alſo do by Virtue of theſe Preſents ſo moniſh) that they do fully, plainly, exactly and faithfully tranſmit, or cauſe to be tranſmitted unto us, or our Surrogate, or any other competent Judge in this Behalf, in the Common Hall of *Doctors Commons*, ſituate in the Pariſh of St. *Benedict* near

near *Paul's Wharf*, *London*, and Place of Judicature there, on or before the — Day of — Term next enſuing, all and ſingular the Acts enacted, Exhibits, Muniments, Inſtruments and Proceedings whatſoever, that do any wāys relate to or concern the ſaid Cauſe, in a due and authentick Manner, in their own original Forms, or true and exact Copies thereof, faithfully collated and compared therewith, and ſealed with an authentick Seal, ſo that full Faith and Credit may be given as well in as out of Court, under Pain of the Law, and Contempt thereof; and whatſoever you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify us, our Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at *London* the —— Day of —— in the Year of our Lord ——

A Sentence againſt an Appeal, remitting the Cauſe to the Court below.

IN the Name of God, *Amen*: We *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed, rightly and duely proceeding, having heard, ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Cauſe of Appeal and Complaint of Nullity now controverted, and remaining undetermined before us in Judgment, between (*a*): And the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *A. D.* praying Sentence to be given, and Juſtice to be done to his Party; and the Proctor of the ſaid *J. B.* alſo earneſtly praying —— to be done to his Party, and having firſt carefully and diligently ſearched into and conſidered of the whole Proceedings had and done before us in this Cauſe, and all Things obſerved that by Law in this Behalf ought to be obſerved, we have thought fit thus to proceed, and do proceed, to the giving our definitive Sentence or final Decree in this Cauſe in Manner following, (to wit,) Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Cauſe, we have found, and it doth evidently appear to us, that the Proctor for the ſaid *J. B.* hath not ſufficiently or fully founded or proved his Intention, deduced in a certain Libel

(*a*) Deſcribe the Names of the Parties for and againſt the Appeal, with their reſpective Pariſhes and Dioceſes.

Libel of Appeal, and other Proceedings given in, exhibited and admitted on his Behalf in this Cauſe, and now remaining in the Regiſtry of this Court (which Libel of Appeal and Exhibits, we take, and will have taken, as if here read and inſerted) but hath totally failed in the Proof thereof; therefore we *J. B.* Doctor of Laws, the Judge aforeſaid, having firſt called upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare for null and invalid to all Effects in Law the pretended Appeal and Complaint on the Behalf of the ſaid *J. B.* in this Cauſe howſoever interpoſed, and that the ſame were and are null and unjuſt, and in Law altogether invalid, and were made and interpoſed from Cauſes no wiſe true, juſt or lawful, and have not, or ought not to have, any Force, Avail or Effect in Law whatſoever, and that the Judge from whom it is appealed, and of whom it is complained, hath rightly, juſtly and lawfully proceeded, pronounced and decreed, and we do hereby ratify and confirm the Decree or Sentence by him made and interpoſed; therefore we do pronounce, that this Cauſe ought to be remitted, with all its Incidents, Emergents, Dependents and Things adjoined and connected thereto whatſoever from the Judge from whom it is in this Behalf appealed and complained, and to his Examination, and we do hereby remit the ſame accordingly, and give Liberty to the ſaid Judge, his Surrogate, or ſome other competent Judge in this Behalf,

to proceed in the ſaid Cauſe according to the Exigency of the Law, and the Tenor of former Proceedings, notwithſtanding any Inhibition iſſued out from us to the contrary; and we do pronounce that the ſaid *J. B.* ought by Law to be condemned in lawful Expences made or to be made in this Cauſe, on the Part and Behalf of the ſaid *A. D.* to be paid to him or his Proctor, and accordingly we do condemn him in ſuch Expences, which we tax and moderate to the Sum of (*a*) ——— of lawful Money of *Great Britain*, and decree that the ſaid *J. B.* be moniſhed, under Pain of the Sentence of the greater Excommunication, to pay, or cauſe to be paid, really and truely to the ſaid *A. D.* or to his Proctor for his Uſe, the ſaid Sum taxed within (*b*) Days after the Execution of a Monition on the ſaid *J. B.* which Sentence of Excommunication againſt the ſaid *J. B.* not paying the Sum before taxed in the Manner and Form aforeſaid, and in ſuch Monition to be mentioned, ſuch lawful Monition preceding, and he perſevering in his Contumacy, we (*c*) Maſter of Arts, Clerk, a Presbyter, in this Behalf lawfully authorized, as well now as then, and as well then as now, do give and promulge by theſe Preſents, and we the —— and Judge aforeſaid in ſuch Caſe do decree the ſaid *J. B.* to be openly and publickly denounced and declared excommunicated in the Face of the Church by this our definitive Sentence or final Decree, which we read and promulge by theſe Writings.

(*a*) Inſert the Bill of Coſts upon the Appeal.

(*b*) Specify the Time of Payment.

(*c*) Specify the Clergyman's Name.

A Remiſſion remitting a Cauſe from a ſuperior to an inferior Court.

J. *B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed, To the Worſhipful *H. R.* Doctor of Laws, Vicar General and Official Principal to the Right Reverend Father in God *R.* by Divine Permiſſion Lord Biſhop of —— his (*here inſert the Title of the Judge to whom the Cauſe is remitted*) of his —— Court of —— aforeſaid, his Surrogate, or ſome other competent Judge in this Behalf, Greeting: Whereas in a certain pretended Cauſe of Appeal and Complaint lately depending before us in Judgment, between (*a*) we *J. B.* the ——— aforeſaid, rightly and duely proceeding in the ſaid Cauſe, did (*b*) by our definitive Sentence or final Decree read and promulged in Favour of the ſaid *A. D.* againſt the ſaid *J. B.* at the Petition of the Proctor of the ſaid *A. D.* decree, amongſt other Things, the ſaid pretended Cauſe of Appeal, and all and every its Incidents, Emergents, Dependents and Things adjoined and connected thereto, to be remitted to you, and your further Examination; We do therefore by theſe Preſents remit the ſaid Cauſe, with all and every its Incidents, Emergents, Dependents and Things adjoined and connected thereto to you and your Examination as aforeſaid; and hereby licence and authorize you, or your Surrogate, or any other competent

(*a*) Deſcribe the Names of the Parties for and againſt the Appeal, with their reſpective Pariſhes and Dioceſes, as alſo their Intereſt.

(*b*) If no Libel be given, as follows: Did at the Petition of the Proctor of the ſaid *A. D.* remit the ſaid pretended Cauſe of Appeal, and all and every its Incidents, &c.

petent Judge in this Behalf, to proceed in the ſaid principal Cauſe, according to the Exigency of the Law, and the Tenor of former Proceedings, notwithſtanding any Inhibition iſſued out from us to the contrary. *Dated* at —— the —— Day of —— in the Year of our Lord ——

A Schedule of Excommunication for Non-payment of Coſts of Suit upon an Appeal to the Arches.

IN the Name of God, *Amen*: Foraſmuch as the Right Worſhipful *J. B.* Doctor of Laws, Official Principal of the Arches Court of *Canterbury*, lawfully appointed, rightly and duely proceeding in a certain Cauſe of Appeal and Complaint lately depending before him between (*recite the Deſcription of the Parties, together with their reſpective Pariſhes and Dioceſes*) hath interpoſed a certain (*deſcribe the Grievance of the Appeal, whether from Sentence or Interlocutory Decree*) on the Part and Behalf of the ſaid *S. B.* by which —— (among other Things) he hath condemned the ſaid *J. P.* in Coſts made, or to be made, on the Part and Behalf of the ſaid *S. B.* and hath taxed the ſaid Coſts at the Sum of (*inſert the Taxation of the Bill of Coſts*) of good and lawful Money of *Great Britain*, beſides the Sum of 14*s.* 10*d.* for the Charges of the Monition, to be executed on the ſaid *J. P.* amounting in the whole to the Sum of (*include the Sum Total of Coſts of Suit and Fees of the Monition*) and hath decreed the

ſaid *J. P.* to be moniſhed to pay, or cauſe to be paid to the ſaid *S. B.* or to his Proctor for his Uſe, the ſaid Sum of (*mention the Sum Total as before, as alſo the Time of Payment thereof*) within ——— Days after the due Execution of the ſaid Monition upon him the ſaid *J. P.* under the Pain of the Sentence of Excommunication, and hath, at the Petition of the Proctor of the ſaid *S. B.* decreed the ſaid *J. P.* (not paying the ſaid Sum of ——— the Monition lawfully preceding, and his Contumacy following in this Behalf) to be excommunicate, and to be openly and publickly denounced excommunicate in the Face of the Church, (Juſtice ſo requiring; Therefore we (*put in the Presbyter's Name*) Presbyter in this Behalf lawfully authorized in the Caſe aforeſaid, and at the like Petition of the Proctor of the ſaid *S. B.* do by theſe Preſents excommunicate the ſaid *J. P.*

This Schedule of Excommunication was read upon the —— Day of —— in the Year of our Lord —

A Decree for Divorce or Separation for the Crime of Adultery by Letters of Requeſt.

J. *B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of ——— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout the whole ——— of

of —— Greeting: Whereas we rightly and duely proceeding in a certain Cauſe of Divorce or Separation from Bed and Board by reaſon of Adultery, brought and inſtituted by *J. D.* otherwiſe *G.* of —— in the County of —— Eſq; in the Dioceſe of —— the Party Agent and Complainant of the one Part, againſt *M. D.* otherwiſe *G.* Wife of the ſaid *J. D.* otherwiſe *G.* in the ſame Dioceſe, the Party accuſed and complained of, on the other Part, have, at the Prayer of the Proctor of the ſaid *J. D.* by reaſon of Letters of Requeſt firſt had and obtained from the Worſhipful *W. B.* Chancellor of the ſaid Dioceſe of —— decreed the ſaid *M. D.* otherwiſe *G.* to be cited and called into Judgment at the Time and Place, and to the Effect here underwritten, and in the Manner and Form hereafter deſcribed, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly injoin and command you, jointly and ſeverally, peremptorily to cite, or cauſe to be cited, the ſaid *M. D.* to appear before us, our Surrogate, or ſome other competent Judge in this Behalf, in the (*here ſpecify the Place of Appearance*) and Place of Judicature there, on the (*ſpecify the Day of Return*) —— Day after this Decree ſhall have been perſonally ſerved on the ſaid *M. D.* if it be be a Court-Day, otherwiſe the Court-Day then next following, at the uſual Hours for hearing of Cauſes, and doing of Juſtice there, then and there to anſwer to the ſaid *J. D.* in the ſaid Cauſe of Divorce or Separation from Bed and Board, and mutual Cohabitation, by rea-

ſon of the Premiſſes, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law, and Contempt thereof, at the Promotion of the ſaid *J. D.* and whatſoever ye ſhall do, or cauſe tō be done, in the Premiſſes, ye ſhall duely certify us, our Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of —— in the Year of our Lord ——

A Certificate upon the Return of a Commiſſion for Examination of Witneſſes.

TO the Right Worſhipful *J. B.* Doctor of Laws, (*here inſert the Title of the Judge*) of the —— Court of —— his Surrogate, or any other competent Judge in this Behalf, we *S. S.* and *C. D.* your Commiſſioners, lawfully appointed by Virtue of the Letters Commiſſional hereto annexed for the Purpoſes hereafter mentioned, do with all due Submiſſion make known and certify you by theſe Preſents, that upon —— the —— Day of —— in the Year of our Lord ——— in the Pariſh Church of —— in the County of —— before us your Commiſſioners aforeſaid, then and there judicially ſitting, between the Hours of eight and twelve in the Forenoon of the ſame Day, *T. D.* Notary Publick, being then alſo preſent, *C. J.* Gentleman, appeared perſonally and exhibited a Subſtitution to him, directed under the Hand and Seal

Seal of *E. G.* Notary Publick, one of the Proctors exercent in the Arches Court of *Canterbury*, and the original Proctor of *B. J.* Party in this Cauſe, and made himſelf a Party for the ſaid Proctor, and his Party the ſaid *B. J.* and preſented us your Letters Commiſſional, ſealed with the Seal of the ——— Court of —— together with an Allegation and Exhibits thereto annexed for the Receiving, Swearing and Examining of all Witneſſes whatſoever to be produced upon the ſaid Allegation and Exhibits on the Part and Behalf of the ſaid *B. J.* and prayed that we would accept of the Execution of the ſaid Commiſſion, and proceed thereon according to the Tenor and Effect thereof, which Commiſſion being read, we your ſaid Commiſſioners did at the Petition of the ſaid *C. J.* accept of the Execution thereof, and aſſumed to ourſelves *T. D.* Notary Publick, to be our Actuary or Scribe in this Behalf; whereupon the ſaid *C. J.* further prayed, that *G. H.* the original Proctor of *T. W.* the other Party in this Cauſe, might be thrice publickly called, which being done, appeared perſonally *R. M.* Gentleman, and exhibited a Subſtitution under the Hand and Seal of the ſaid *G. H.* and made himſelf a Party for him, and then the ſaid *C. J.* produced before us as neceſſary Witneſſes to prove the Contents of the ſaid Allegation and Exhibits annexed to your ſaid Letters Commiſſional in this Cauſe, whom we your ſaid Commiſſioners, at the Petition of the ſaid *C. J.* in the Preſence of the ſaid *R. M.* diſſenting and proteſting to their Production, Swearing and Examination, and

praying the uſual Time of adminiſtring Interrogatories to be admitted and adminiſtred to them, and each of them, on Oath, upon the Holy Evangeliſts, to depoſe the Truth, and nothing but the Truth, without Favour or Affection, Hatred or Malice to either of the Parties in this Cauſe, and admoniſhed the ſaid Witneſſes to undergo their reſpective Examinations before their Departure; this being done, we your ſaid Commiſſioners, both Parties thereto conſenting, prorogued and continued the further expediting of this Commiſſion to —— at the Houſe of ——— at which Time and Place, before us your Commiſſioners aforeſaid, the ſaid *R. M.* exhibited certain Interrogatories in Writing, and prayed that the ſaid Witneſſes might be reſpectively examined thereon; and we your ſaid Commiſſioners, whoſe Names are ſubſcribed to the ſeveral Depoſitions of the ſaid Witneſſes, produced and ſworn as aforeſaid, having aſſumed to ourſelves the ſaid *T. D.* to be our Actuary or Scribe in this Behalf, proceeded to the private and ſeparate Examination of the ſaid Witneſſes ſo produced and ſworn as aforeſaid, and examined the ſame accordingly upon the ſaid Allegation and Exhibits thereto annexed, and alſo upon the ſaid Interrogatories adminiſtred to them, and every of them, on the Part and Behalf of the ſaid *T. W.* and the Sayings and Depoſitions of each and every of the ſaid Witneſſes had and taken before us between the Parties abovementioned, are Word for Word as they are contained in the ſeveral and reſpective Sheets of Paper following.

The

The ſaid Examination being compleat and finiſhed, we your ſaid Commiſſioners have cauſed to be tranſmitted the Sayings and Depoſitions of the ſaid Witneſſes produced, admitted, ſworn and examined, together with your ſaid Letters Commiſſional, and the whole and intire Proceedings had and done before us as aforeſaid; and we do by theſe Preſents tranſmit the ſame unto you the ſaid Right Worſhipful *J. B.* your Surrogate, or any other competent Judge in this Behalf, in this authentick Form. In *Teſtimony* whereof we your ſaid Commiſſioners have hereunto ſubſcribed our Names, and affixed our Seals.

And I the ſaid *T. D.* Notary Publick, lawfully appointed by Royal Authority, being in the Buſineſs aforeſaid, aſſumed by your Commiſſioners as aforeſaid, by reaſon that I was preſent at the Preſentation and Acceptation of the Letters Commiſſional hereto annexed, and at the Production, Admiſſion, Swearing and Examination of the Witneſſes abovementioned, and at all and ſingular the Premiſſes aforeſaid, in the Year, Month, Days and Places when they were acted and done as aforeſaid, and ſaw, knew and heard the ſaid Matters and Things ſo done, acted and ſped, therefore by the Command of your ſaid Commiſſioners I have made theſe Letters Teſtimonial of all the Proceedings abovementioned, and have ſubſcribed my Name, and affixed my accuſtomed Seal thereto this —— Day of —— in the Year of our Lord ——

T. D.

A Decree for Confrontation in a Cauſe of Separation or Divorce by reaſon of Adultery.

E. By Divine Permiſſion Biſhop of ——. To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our Dioceſe of —— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here recite the Title of the Judge*) of the —— Court of —— lawfully appointed in a certain Cauſe of Separation and Divorce by reaſon of Adultery, depending before him in Judgment, between *T. L.* now or late of —— in the County of —— the Party Agent and Complainant, of the one Part, and *J. L.* the Party accuſed and complained of, on the other Part, rightly and duely proceeding, hath, at the Petition of the Proctor of the ſaid *T. L.* decreed the ſaid *J. L.* to be cited to appear on the Day, and at the Time and Place, and for the Purpoſes hereafter deſcribed, (Juſtice ſo requiring;) We therefore authorize and impower, and ſtrictly injoin you jointly and ſeverally, that you do peremptorily cite, or cauſe to be cited, *J. L.* to appear before our ſaid —— his Surrogate, or ſome other competent Judge in this Behalf, in the (*here ſpecify the Place of Appearance*) and Place of Judicature there (*here ſpecify the Return*) next enſuing, between the Hours of —— and —— in the —— noon of the ſame Day, in order to undergo a Confrontation

or

or Compariſon, by credible Witneſſes in this Court produced, ſworn and examined, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof; and what you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall duely certify our ſaid ——— or his Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* at —— the —— Day of —— in the Year of our Lord ———

A

A Libel in a Cauſe of Divorce or Separation by reaſon of Adultery and Cruelty.

In the Name of God, *Amen:* Before you the Worſhipful *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— and —— of his —— Court, lawfully appointed your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *M. A.* (the Wife of *J. A.*) of the Pariſh of —— in the County of —— againſt the ſaid *J. A.* and againſt any other Perſon or Perſons for him lawfully intervening or appearing in Judgment by way of Complaint, and hereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

1. THAT in the Months of —— in the Year of our Lord —— the ſaid *J. A.* being then a Bachelor, and the ſaid *M. A.* (then *B.*) being then a Spinſter or a ſingle Woman, and both free from all matrimonial Contracts whatſoever, (ſaving to each other) did mutually and reciprocally contract themſelves to each other in pure and lawful Marriage, and they the ſaid *J. A.* and *M. A.* were on or about the —— Day of —— in the Year of our Lord —— aforeſaid, in the Face of the Pariſh Church of

of —— in the County of —— joined together in holy Matrimony by *A. B.* a Prieſt in holy Orders, according to the Rites and Ceremonies of the Church of *England*, who pronounced them to be lawful Man and Wife, and as ſuch were, are and have been commonly accounted and taken to be by their Relations, Friends and Acquaintance; and the Party Proponent doth propound every Thing in this Article contained jointly and ſeverally, and alſo doth propound and alledge of any other Time and Place, as ſhall appear from the Proofs to be made in this Cauſe.

2. That from and after the Solemnization of the aforeſaid Marriage between the ſaid *J. A.* and the ſaid *M. A.* they the ſaid *J. A.* and *M. A.* conſummated the ſame by carnal Copulation and mutual Cohabitation, and lived and cohabited together as lawful Husband and Wife in the Pariſh of ——— and in other Pariſhes and Places; and the Party Proponent doth propound and alledge every Thing in this Article contained jointly and ſeverally, and as before.

3. That the ſaid *M. A.* was and is a Perſon of a mild, affable and obliging Temper, and of a very modeſt and ſober Carriage and Behaviour, and of a Religious and Virtuous Life and Converſation, and for and as a ſober, modeſt and virtuous Perſon the ſaid *M. A.* hath always been and ſtill is accounted, reputed and taken to be; and the ſaid *M. A.* hath at all Times ſince her Intermarriage with the ſaid *J. A.* behaved herſelf towards him with great Duty and Reſpect, and as a dutiful and indulgent

gent Wife; and this was and is true, and well known to the ſaid *J. A.* and ſo much he doth believe in his Conſcience to be true; and the Party Proponent doth alledge and propound as before.

4. That notwithſtanding the Premiſſes in the next preceding Article mentioned, he the ſaid *J. A.* being then unmindful of his conjugal Vow, and being of a lewd, vicious and debauched Temper and Inclination, did within ſome ſhort Time after his ſaid Marriage with the ſaid *M. A.* converſe and keep Company with divers lewd, wicked and debauched Women, who were reputed, eſteemed and taken to be common Women, or Women of the Town, and had the carnal Uſe or Knowledge of their Bodies, and daily frequented diſorderly Houſes, or Houſes of ill Repute, in and about (*ſpecify the Name of the Place*) in the County of ——— and during the ſaid Time lay abroad from his Lodgings at the Houſe of (*ſpecify whoſe Houſe*) all Night, ſeveral Nights together, from his ſaid Wife, ſometimes three or four Nights in a Week; and this was and is true, publick and notorious, and was obſerved by the ſaid (*ſpecify what Perſon lodged therein*) dwelling in the Houſe, and is well known to the ſaid *J. A.* and ſo much he doth believe in his Conſcience to be true; and the Party Proponent doth alledge and propound of any other Time and Place, and as before.

5. That the ſaid *J. A.* by ſuch his Courſe of Life, and keeping Company with lewd and debauched Women, and having the carnal Uſe or Knowledge of their Bodies after

after his Marriage with the ſaid *M. A.* as in the next preceding Article is mentioned, did get and contract the foul Diſtemper or Venereal Diſeaſe, and was much out of order therewith, and ſo much was obſerved and taken Notice of by *C. B.* the Siſter of the ſaid *J. A.* then living in the ſaid Houſe with him, and others who ſaw his Shirts and Linen ſtained with or by ſuch foul Diſtemper or Venereal Diſeaſe, and to whom the ſaid *J. A.* did own and confeſs that he was ill and out of order with ſuch Diſeaſe, or Words to the ſame Effect; and this was and is true, publick and notorious, and well known to the ſaid *J. A.* and ſo much he doth believe in his Conſcience to be true; and the Party Proponent doth alledge and propound as before.

6. That the ſaid *J. A.* not having any Regard or Conjugal Love for his ſaid Wife, did give or communicate the ſaid foul Diſtemper or Venereal Diſeaſe to her, who was ſo ill therewith, that ſhe was obliged to, and did apply herſelf to a Phyſician or Surgeon to be cured thereof, who gave her Medicines proper for the ſaid Diſtemper, and the ſaid *M. A.* was obliged to and did undergo a Courſe of Phyſick for the Cure thereof; and this was and is true, and well known to the ſaid *J. A.* and ſo much he doth believe in his Conſcience to be true; and the Party Proponent doth alledge and propound as before.

7. That in the Months of —— —— and —— laſt paſt, in all, ſome or one of the ſaid Months, the ſaid *J. A.* held and kept an

an unlawful Correſpondence and adulterous Converſation with divers ſtrange, lewd and debauched Women, and hath been ſeen in Bed at the Houſe of *E. J.* in —— Court in —— with ſeveral ſtrange Women, and more particularly upon the ——— Day of —— laſt was ſeen in Bed with a Woman who calls herſelf and goes by the Name of *M. B.* a Perſon of a lewd, vicious and debauched Life and Converſation, and hath frequently, during the ſaid Time, been ſeen by *W. K.* and others, in Bed with the ſaid Woman, who goes by the Name of *M. B.* at the ſaid *E. J.*'s Houſe naked and alone together, and the ſaid *J. A.* and the ſaid Woman *M. B.* lived and cohabited together as Man and Wife during the ſaid Time, or ſome Part thereof, at the Houſe of the ſaid *E. J.* in —— Court in —— aforeſaid; and this was and is true, and well known to the ſaid *J. A.* and ſo much he doth believe in his Conſcience to be true; and the Party Proponent doth alledge and propound of any other Time and Place, and of any other Perſon or Perſons, and doth alledge and propound as before.

8. That by reaſon of the Adultery and Cruelty of the ſaid *J. A.* towards the ſaid *M. A.* his Wife, the Cohabitation and Converſation of the ſaid *J. A.* was and is become ſo dangerous, that ſhe the ſaid *M. A.* durſt not any longer continue to cohabit with the ſaid *J. A.* at Bed and Board, and render him conjugal Rites by any Means, without a very great and manifeſt Danger of her Life; and this was and is true, publick

lick and notorious; and the Party Proponent doth alledge and propound as before.

9. That the ſaid *J. A.* was and is of the Pariſh of —— in the County of —— and Dioceſe of —— and therefore ſubject to the Juriſdiction of this Court; and the Party Proponent doth alledge and propound as before.

10. That the ſaid *M. A.* the Party Agent in this Cauſe, hath rightly and duely complained of the Premiſſes to you the Judge aforeſaid, and to this Court; and the Party Proponent doth alledge and propound as before.

11. That all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proof being made, the Party Proponent prays you the Worſhipful the Judge of this Court, that Right and Juſtice may be effectually adminiſtred to him and his Party in the Premiſſes, and that the ſaid *M. A.* be divorced and ſeparated from the Bed and Board, and mutual Cohabitation, with the ſaid *J. A.* and that he be condemned in the Coſts and Alimony made and to be made in this Cauſe, on the Part and Behalf of the ſaid *M. A.* and compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given in this Cauſe, and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging himſelf to prove all and ſingular the Premiſſes, or to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts;

and

and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

A Monition for the Payment of Alimony in a Cauſe of Divorce.

J. *B.* Doctor of Laws, (*here mention the Title of the Judge*) of the —— Court of —— lawfully appointed, To all and ſingular Rectors, Vicars, Chaplains, Curates, Clerks, Miniſters and literate Perſons whomſoever and whereſoever in and throughout our whole —— of —— Greeting: Foraſmuch as we rightly and duely proceeding in a certain Cauſe of Appeal and Complaint now depending before us, as to the principal Cauſe, between the Right Honourable *A. B.* Lady Viſcounteſs *A.* (Wife of the Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.*) of the Pariſh of —— in the County of —— the Party Appellant and Complainant, of the one Part, and the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *B.* the Party Appellate and complained of, on the other Part, have, at the Petition of the Proctor of the ſaid Lady Viſcounteſs *B.* condemned the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* in the Sum of ——— of good and lawful Money of *Great Britain*, upon Account of Alimony, on the Part and Behalf of the ſaid Right Honourable *A. B.* Lady Viſcounteſs

teſs *A.* and to be well and truly paid to her, or her Proctor for her Uſe; and we have alſo, at the Petition of the Proctor of the ſaid Right Honourable *A. B.* Lady Viſcounteſs *A.* decreed the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* to be moniſhed to pay, or cauſe to be paid, the ſaid Sum of ——— to the ſaid Right Honourable *A. B.* Lady Viſcounteſs *A.* or to her Proctor for her Uſe, within the Time underwritten, and in the Manner and Form herein after mentioned, (Juſtice ſo requiring;) We do therefore authorize and ſtrictly injoin and command ye the ſaid Rectors, Vicars, Chaplains, Curates, Clerks, Miniſters and literate Perſons, jointly and ſeverally, that you do and ſhall moniſh, or cauſe to be moniſhed, the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* (whom we do alſo by Virtue of theſe Preſents ſo moniſh) to pay, or cauſe to be paid, to the ſaid Right Honourable *A. B.* Lady Viſcounteſs *A.* or to her Proctor for her Uſe, the ſaid Sum of ——— of good and lawful Money of *Great Britain*, within —— Days after the due Execution of this Monition upon him the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* under Pain of the Sentence of Excommunication, which Sentence of Excommunication againſt the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* not paying the ſaid Sum of —— within the Time aforeſaid, this our Monition lawfully preceding, and his Contumacy following, the Reverend *J. W.*

Clerk, Maſter of Arts, Presbyter in this Behalf lawfully authorized, hath read, publiſhed and declared in Writing, (Juſtice ſo requiring;) We do therefore authorize and ſtrictly injoin all and ſingular ye the Rectors, Vicars, Chaplains, Curates and Clerks aforeſaid, jointly and ſeverally, that ye do (the Time of the ſaid Payment being elapſed, and the ſaid Sum laſt mentioned not being paid, this our Monition being duely executed on the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* and his Contumacy following) in ſome or one of your Pariſh Churches, the *Sunday* or Feſtival Day next immediately following your Receipt of theſe Preſents during the Time of Divine Service, while the greater Part of the Congregation are preſent to hear Divine Service, openly and publickly denounce and declare the ſaid Right Honourable *B. B.* Eſq; commonly called Lord Viſcount *A.* to be excommunicate, under Pain of the Law, and Contempt thereof.

A Sentence in a Cauſe of Divorce or Separation by reaſon of Adultery and Cruelty.

IN the Name of God, *Amen:* We *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— and (*here inſert the Title of the Judge*) of the —— Court of —— lawfully appointed, rightly and duely proceeding, having heard, ſeen

ſeen and underſtood, and fully and maturely diſcuſſed the Merits and Circumſtances of a certain Cauſe of Divorce or Separation from Bed and Board, and mutual Cohabitation, by reaſon of Adultery and Cruelty, which lately was, and ſtill is controverted, and remains undetermined before us in Judgment, between *E. L.* (the Wife of *J. L.*) of the Pariſh of —— in the County of —— the Party Agent and Complainant on the one Part, and the ſaid *J. L.* the Party accuſed and complained of, on the other Part; and the Parties aforeſaid lawfully appearing before us in Judgment by their Proctors reſpectively, and the Proctor of the ſaid *E. L.* praying Sentence to be given, and Juſtice to be done to his Party, and the Proctor of the ſaid *J. L.* alſo earneſtly praying —— to be done to his Party, and having firſt carefully and diligently looked into and conſidered of the whole Proceedings had and done before us in this Cauſe, and having obſerved all and ſingular the Matters and Things that by Law in this Behalf ought to be obſerved, we have thought fit, and do thus think fit, to proceed to the giving our definitive Sentence or final Decree in this Cauſe in Manner following, (to wit,) Foraſmuch as by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confeſſed in this Cauſe, we have found, and it doth evidently appear unto us, that the Proctor for the ſaid *E. L.* hath ſufficiently and fully founded and proved his Intention, deduced in a certain Libel, and other Pleadings and Exhibits given in, exhibited and admitted on her

Behalf in this Cauſe, and now remaining in the Regiſtry of this Court (which ſaid Libel, other Pleadings and Exhibits, we take and will have taken, as if here read and inſerted) for us to pronounce as herein after is pronounced, and that nothing, at leaſt effectual in Law, hath on the Part and Behalf of the ſaid *J. L.* been excepted, deduced, alledged, exhibited, propounded, proved or confeſſed in this Cauſe, which may or ought in any wiſe Defeat, Prejudice or Weaken the Intention of the ſaid *E. L.* therefore we *H. H.* Doctor of Laws, the Judge aforeſaid, having firſt called upon the Name of Chriſt, and having God alone before our Eyes, and having heard Counſel in this Behalf, do pronounce, decree and declare, that the ſaid *J. L.* and *E. L.* being free from all matrimonial Contracts and Eſpouſals (ſaving to each other) did at the Time and Place in this Cauſe Libellate contract true, pure and lawful Marriage between each other, and did ſolemnize, or cauſe the ſame to be ſolemnized, in the Face of the Church, and afterwards conſummated the ſame by Carnal Copulation, and mutual Cohabitation, and that the ſaid *J. L.* and *E. L.* were and are lawful Husband and Wife, and for and as ſuch were commonly held, reputed and taken to be; and we do alſo pronounce, decree and declare, according to the lawful Proofs made before us in this Cauſe as aforeſaid, that the ſaid *J. L.* after the Solemnization and Conſummation of the ſaid Marriage, being altogether unmindful of his conjugal Vow, not having the Fear of God before his Eyes,

Eyes, but being inſtigated and ſeduced by the Devil, did in the Months and Years Libellate commit the Crime of Adultery, and did alſo in the ſaid Months and Years inhumanly, cruelly and grievouſly treat the ſaid *E. L.* his Wife, and did violate his conjugal Duty; wherefore, and by reaſon of the Premiſſes, we do pronounce, decree and declare, that the ſaid *E. L.* ought by Law to be divorced and ſeparated from Bed, Board and mutual Cohabitation with the ſaid *J. L.* her Husband, until they ſhall be reconciled to each other; and we do by theſe Preſents divorce and ſeparate them accordingly, (Bond being firſt given on the Part of the ſaid *E. L.*) according to the Tenor of the Canon in that Behalf made and provided, that ſhe the ſaid *E. L.* ſhall live chaſtly, and ſhall not contract any other Marriage whilſt the ſaid *J. L.* ſhall be living, intimating nevertheleſs, and by ſuch Intimation expreſly inhibiting according to the Eccleſiaſtical Laws and Canons made in that Behalf, as well the ſaid *E. L.* as the ſaid *J. L.* that neither of them, in the Life-time of each other, ſhall in any wiſe attempt or preſume to contract another Marriage; and we do alſo pronounce, decree and declare, that the ſaid *J. L.* ought by Law to be condemned in lawful Expences made and to be mede in this Cauſe, on the Part and Behalf of the ſaid *E. L.* to be paid to the ſaid *E. L.* or her Proctor, and accordingly we do condemn him in ſuch Expences, which Coſts we tax and moderate to and at the Sum of ——— of lawful Money of *Great Britain*; and we do

decree that the ſaid *J. L.* be moniſhed, under Pain of Sentence of the greater Excommunication, really and effectually to pay, or cauſe to be paid, the ſaid Sum of ——— ſo taxed unto the aforementioned *E. L.* or to her Proctor, within —— Days after the Execution of ſuch our Monition on the ſaid *J. L.* by this our definitive Sentence or final Decree, which we read and promulge by theſe Writings.

CHAP.

CHAP. V.

Of Faculties, Preſentations, Inductions, Tithes, Pluralities, the Admiralty, &c.

An Act of Court for a Decree to ſhew Cauſe why a Licence or Faculty ſhould not be granted for appropriating certain Pews to the abſolute Uſe of a certain Family.

—— Day of — in the Year of our Lord —

A Buſineſs of granting a Licence or Faculty for appropriating and confirming three Pews in the South Gallery of the Pariſh Church of ——— in the County of — promoted by the Honourable *A. B.* Eſq; the Heir of the Right Honourable *B. B.* Eſq; late of the ſaid Pariſh deceaſed, a Pariſhioner and Inhabitant of the ſaid Pariſh, againſt the Rector, Church-wardens and Pariſhioners thereof in ſpecial, and all others in general.

Upon which Day *R.* exhibited his Proxy for the ſaid Honourable *A. B.* Eſq; and made himſelf a Party for him, and alledged, that at a Veſtry of the ſaid Pariſh of — held on the — Day of — in the Year of our Lord — it was unanimouſly agreed, that the ſaid Right Honourable *B. B.*

R.

B. B. Eſq; in Conſideration of his having been a great Benefactor to the ſaid Pariſh, ſhould have three Pews in the South Gallery of the ſaid Pariſh Church, for the Conveniency of himſelf and Family to ſit, kneel and hear Divine Service therein, to wit, the Pew in the firſt Row, N° —— the Pew in the ſecond Row, N° —— the Pew in the third Row, N° —— which ſaid Pews the ſaid Right Honourable *B. B.* Eſq; held, occupied and enjoyed during his Life, and that he the ſaid Honourable *A. B.* Heir of the ſaid Right Honourable *B. B.* is a Pariſhioner and Inhabitant of the ſaid Pariſh, and hath ever ſince the Death of the ſaid Right Honourable *B. B.* by Virtue of the ſaid Order of Veſtry, been in quiet Poſſeſſion of the ſaid Pews; wherefore the ſaid *R.* prayed, and the Judge, at his Petition, decreed the Rector, Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the Premiſſes, to be cited to appear before him, his Surrogate, or ſome other competent Judge in this Behalf, in the (*here mention the Place of Appearance*) on (*here ſpecify the Return*) next between the Hours of —— and —— in the —noon of the ſame Day, then and there to ſhew Cauſe, if they, or any of them, have or know any, why a Licence or Faculty ſhould not be granted to the ſaid Honourable *A. B.* Eſq; for appropriating and confirming the ſaid three Pews in the South Gallery of the ſaid Pariſh Church to ſit, kneel and hear Divine Service therein,

to

to him the ſaid Honourable *A. B.* Eſq; his Family and his Heirs, ſo long as they continue Pariſhioners and Inhabitants of the ſaid Pariſh, excluſive of all others whatſoever, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, with the uſual Intimation.

A Decree, with an Intimation, to ſhew Cauſe why a Licence or Faculty ſhould not be granted for appropriating certain Pews for the abſolute Uſe of a certain Family, excluſive of all others.

E. By Divine Permiſſion Lord Biſhop of —— To all Rectors, Vicars, Curates, Chaplains and Clerks to whom theſe Preſents ſhall come, or ſhall or may in any wiſe concern, and more eſpecially to the Rector, Church-wardens, Pariſhioners and Inhabitants of the Pariſh of —— in the County of —— and Dioceſe of —— ſendeth Greeting, in our Lord God Everlaſting: Whereas it hath been ſet forth and alledged before the Right Worſhipful *H. H.* Doctor of Laws, our Chancellor, on the Part and Behalf of the Honourable *A. B.* Eſq; the Heir of the Right Honourable *B. B.* Eſq; late of the ſaid Pariſh of —— in the County of —— deceaſed, that at a Veſtry of the ſaid Pariſh, held on the —— Day of —— it was unanimouſly agreed, that the ſaid Right Honourable *B. B.* Eſq; in Conſideration

tion of his having been a great Benefactor to the ſaid Pariſh, ſhould have three Pews in the South Gallery of the ſaid Pariſh for the Conveniency of himſelf and Family to ſit, kneel and hear Divine therein, to wit, the Pew in the firſt Row, N° —— in the ſecond Row, N° —— and in the third Row, N° —— which ſaid Pews the ſaid Right Honourable *B. B.* Eſq; held, occupied and enjoyed during his Life, and that he the ſaid Honourable *A. B.* Eſq; Heir of the ſaid Right Honourable *B. B.* Eſq; is a Pariſhioner and Inhabitant of the ſaid Pariſh, and hath ever ſince the Death of the ſaid Right Honourable *B. B.* Eſq; by Virtue of the ſaid Order of Veſtry, been in the quiet Poſſeſſion of the ſaid Pews, and hath therefore by his Proctor humbly prayed our Faculty or Licence for appropriating and confirming the ſaid Pews to him the Honourable *A. B.* Eſq; his Family and Heirs, to ſit, kneel and hear Divine Service therein, excluſive of all others whatſoever; and whereas our ſaid Chancellor rightly and duely proceeding hath, at the Petition of the ſaid Proctor, decreed the Rector, Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the Premiſſes, to be cited to appear before him our ſaid Chancellor, his Surrogate or ſome other competent Judge in this Behalf, at a certain competent Time and Place, to ſhew Cauſe, if they, or any of them, have any, why a Licence or Faculty ſhould not be granted to the ſaid Honourable

nourable *A. B.* Eſq; for the Purpoſes aforeſaid, (Juſtice ſo requiring;) We therefore the Biſhop aforeſaid do hereby will and require you the Rector of the ſaid Pariſh, or in your Abſence your Curate, by Publication of theſe Preſents in your ſaid Church on *Sunday* the —— Day of —— during the Time of Divine Service, to cite the Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the ſaid three Pews, to appear before our ſaid Chancellor, his Surrogate or ſome other competent Judge, in the (*here mention the Place of Appearance*) on (*here ſpecify the Return*) between the Hours of —— and —— in the —— noon of the ſame Day, then and there to ſhew Cauſe, if they, or any of them, have any, why a Licence or Faculty ſhould not be granted to the ſaid Honourable *A. B.* Eſq; for appropriating and confirming the ſaid Pews in Manner as by him deſired, and further to do and receive as unto Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, intimating hereby to you the Rector, Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, that if you or they do not appear at the Time and Place aforeſaid, or appearing do not ſhew good and ſufficient Cauſe to the contrary, our ſaid Chancellor or his Surrogate, or ſome other competent Judge in this Behalf, doth intend to proceed, and will proceed, to grant to him the ſaid Honourable *A. B.* Eſq; our Licence or Faculty for

for appropriating and confirming the ſaid Pews in the South Gallery of the ſaid Pariſh Church, to ſit, kneel and hear Divine Service therein, to wit, the Pew in the firſt Row, N° —— the Pew in the ſecond Row, N° —— the Pew in the third Row, N° — to him the ſaid Honourable *A. B.* Eſq; his Family and Heirs, ſo long as they continue Pariſhioners and Inhabitants of the ſaid Pariſh, excluſive of all others whatſoever, your and their Abſence, or rather Contumacy, in any wiſe notwithſtanding. *In Witneſs* whereof we have cauſed the Seal of our Chancellor, which we Uſe in this Behalf, to be affixed to theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ———.

A Certificate from the Rector and Church-wardens of a Pariſh conſenting to the enlarging a Church, and building a Gallery for the Uſe of a Family.

WHereas the Pariſh Church of ——— in the County of —— is too ſmall to contain the Number of all its Inhabitants, and there being a Piece of Ground in the Church-yard, adjoining to the Chancel of the ſaid Church, on the South Side thereof, containing ——— Feet and ——— Inches in Length Eaſtward, and —— Feet and ——— Inches in Breadth Southward, which Mr. *H. L.* has deſired to take into the ſaid Church, in order to erect a Gallery for himſelf and Family; we the Miniſter

ſter and Church-wardens of the ſaid Pariſh, purſuant to his Requeſt, do hereby conſent that the ſaid Piece of Ground may be ſo taken, and that it may be appropriated for ever to ſuch Uſes as the ſaid *H. L.* ſhall direct and appoint. *In Witneſs* whereof we have hereunto ſet our Hands the —— Day of —— in the Year of our Lord ——

An Act of Court for a Decree for granting a Licence or Faculty for the Purpoſes aforeſaid.

On —— the —— Day of ——

A Buſineſs of granting a Licence or Faculty for erecting or building a Gallery in the Pariſh Church of — in the County of — promoted by *H. L.* Inhabitant and Lord of the Manor of ——— aforeſaid, againſt the Rector, Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the Premiſſes.

Upon which Day *H.* exhibited his Proxy for the ſaid *H. L.* and made himſelf a Party for him, and alledged as follows, to wit, that the ſaid *H. L.* is a Pariſhioner in the Pariſh of —— aforeſaid, and is Poſſeſſor and Owner of a handſome houſe in the ſaid Pariſh where he and his Family do for the moſt Part dwell and reſide, and alſo Lord of the Manor of the ſaid Pariſh,

riſh, that the ſaid Pariſh Church of —— is much too ſmall to contain its Number of Inhabitants, ſo as decently to be accommodated to hear Divine Service performed, and there being a Piece of Ground in the Church-yard adjoining to the Chancel of the ſaid Church on the South Side thereof, containing —— Feet and ——— Inches in Length Eaſtward, and —— Feet and —— Inches Southward in Breadth, which the Rector and Church-wardens of the ſaid Pariſh have conſented that the ſaid *H. L.* ſhall take into the ſaid Church, in order to erect and build a Gallery for himſelf, his Lady and Family to ſit, kneel and hear Divine Service and Sermons therein, and that when the ſaid Church ſhall be at the proper Coſts and Charges of the ſaid *H. L.* inlarged, and ſuch Gallery built, the ſame may be appropriated to the ſaid *H. L.* his Family and Heirs, excluſive of all others; then the ſaid *H.* exhibited an Inſtrument, ſigned by the Rector and Church-wardens of the ſaid Pariſh, conſenting thereby to the Premiſſes aforeſaid; wherefore he prayed, and the Judge, at his Petition, decreed the Rector, Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in and to the Premiſſes or any Part or Parcel thereof, to be cited and called to Judgment to appear on —— the —— Day of —— in the Year of our Lord —— between the Hours of —— and —— in the —— noon of the ſame Day, in the Pariſh Church of ——— in the County of ——

then and there to ſhew Cauſe, if they, or any or either of them, have or know any, why a Licence or Faculty ſhould not be granted and committed to the ſaid *H. L.* to the Effect aforeſaid, with the Intimation as uſual in Caſes of the like Nature, and Right and Juſtice to be done to his Party in the Premiſſes.

A Decree, with an Intimation, for granting a Licence or Faculty for enlarging a Church, and building a Gallery therein for the ſole Uſe of a Family.

C. By Divine Permiſſion Biſhop of——. To all Chriſtian People to whom theſe Preſents ſhall come, or ſhall or may in any wiſe concern, but more eſpecially to the Rector, Church-wardens, Pariſhioners and Inhabitants of the Pariſh of—— in the County of—— and Dioceſe of—— ſendeth Greeting, in our Lord Everlaſting: Whereas it hath been ſet forth and alledged before the Worſhipful *R. W.* Doctor of Laws, Surrogate to the Right Worſhipful *P. M.* Bachelor of Laws, our Vicar General and Official Principal, on the Behalf of *H. L.* that he the ſaid *H. L.* is a Pariſhioner in the aforeſaid Pariſh of—— and is Poſſeſſor and Owner of a handſome Houſe in the ſaid Pariſh where he and his Family do for the moſt part dwell and reſide, with an Eſtate in Land thereto belonging, and alſo Lord of the Manor of the ſaid Pariſh; that

that the Pariſh Church of —— is much too ſmall to receive and contain its Number of Inhabitants, ſo as that they may be decently accommodated to hear Divine Service performed, and there being a Piece of Ground in the Church-yard adjoining to the Chancel of the ſaid Church, on the South Side thereof, containing —— Feet and —— Inches in Length Eaſtward, and ——— Feet and ——— Inches Southward, which the Rector and Church-wardens of the ſaid Pariſh have conſented that the ſaid *H. L.* ſhall take into the ſaid Church, in order to erect or build a Gallery for himſelf, his Wife and Family, to ſit, ſtand and kneel in, and hear Divine Service and Sermons, and that ſuch Gallery when built may be appropriated to the ſaid *H. L.* his Family and Heirs, excluſive of all others; and whereas the ſaid *H. L.* hath by his Proctor humbly prayed our Licence or Faculty for the Inlargement of, and taking into the ſaid Church, at his own proper Coſts and Charges, ſuch Piece of Ground adjoining to the Chancel of the ſaid Church as aforeſaid, and being of the Dimenſions aforeſaid, and erecting or building a Gallery on ſuch Piece of Ground when taken in and laid to the ſaid Church, and for appropriating and confirming ſuch Gallery to himſelf and Heirs, for his and their Family, Friends and Relations to ſit, kneel, ſtand and remain in during the Time of Divine Service and Sermons, excluſive of all others; and whereas the ſaid Doctor *R. W.* Surrogate to our ſaid Vicar General and Official Principal, hath, at the Petition of the

Proctor of the ſaid *H. L.* rightly and duely proceeding, decreed the Rector, Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh of —— in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the ſaid Piece of Ground of the Situation and Dimenſions aforeſaid, to be cited to appear before him, our ſaid Vicar General and Official Principal, or his Surrogate, or any other competent Judge in this Behalf, at a certain competent Time and Place, to ſhew Cauſe, if they, or any of them, have or know any, why a Licence or Faculty ſhould not be granted to the ſaid *H. L.* for the Inlargement of and taking into the ſaid Church, at his proper Coſts and Charges, the ſaid Piece of Ground of the Situation and Dimenſions aforeſaid, and erecting and building thereon, when as aforeſaid taken in and laid to the ſaid Church, a Gallery, and appropriating and confirming ſuch Gallery to the ſole Uſe of himſelf and Heirs for his and their Family, Friends and Relations to ſit, kneel, ſtand and remain therein during the Time of Divine Service and Sermons in the ſaid Church, excluſive of all others, with Intimation, that if they do not appear at the Time and Place aforeſaid, or appearing do not ſhew good and ſufficient Cauſe to the contrary, our ſaid Vicar General and Official Principal, his Surrogate, or ſome other competent Judge in this Behalf, intends, and will proceed, to the granting of a Licence or Faculty to the ſaid *H. L.* to the Effect and in Manner as hereafter ſet forth, (Juſtice ſo requiring;)

We therefore the Biſhop aforeſaid will and require you the Rector of the ſaid Pariſh of —— or in your Abſence your Curate, by Publication of theſe Preſents in your Pariſh Church on *Sunday* the —— Day of this Inſtant, immediately after Divine Service in the Forenoon, to cite the Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title and Intereſt in the ſaid Piece of Ground, of the Situation and Dimenſions aforeſaid, to appear before our ſaid Vicar General and Official Principal, or his Surrogate, or ſome other competent Judge in this Behalf, in (*here inſert the Place of Appearance*) and Place of Judicature there, on (*here ſpecify the Return*) then and there to ſhew Cauſe, if they, or any of them, have or know any, why a Licence or Faculty ſhould not be granted to the ſaid *H. L.* for the Inlargement of, and taking into the ſaid Pariſh Church of —— at his own proper Coſts and Charges, the ſaid Piece of Ground of the Situation and Dimenſions aforeſaid, and erecting and building a Gallery thereon, when taken in and laid to the ſaid Church, and appropriating and confirming ſuch Gallery for the ſole Uſe of him the ſaid *H. L.* and Heirs for his and their Family, Friends and Relations to ſit, kneel, ſtand and remain in during the Time of Divine Service and Sermons, excluſive of all others, and further to do and receive as to Law and Juſtice ſhall appertain, intimating hereby to the Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh of

of —— in ſpecial, and all others in general, having or pretending to have any Right or Intereſt in the ſaid Piece of Ground of the Situation and Dimenſions aforeſaid, that if they do not appear the Day, Time and Place aforeſaid, or appearing do not ſhew good and ſufficient Cauſe to the contrary, our ſaid Vicar General and Official Principal, or his Surrogate, or ſome other competent Judge in this Behalf, intends, and will proceed, to grant to him the ſaid *H. L.* our Licence or Faculty for the Inlargement of, and taking into the ſaid Pariſh Church of —— the ſaid Piece of Ground adjoining to the Chancel of the ſaid Church as aforeſaid, and of the Dimenſions aforeſaid, and erecting or building thereon, when taken in and laid to the ſaid Church, a Gallery, and appropriating and confirming ſuch Gallery to the ſole Uſe of him the ſaid *H. L.* and his Heirs, for his and their Family, Friends and Relations to ſit, kneel, ſtand and remain in during the Time of Divine Service and Sermons in the ſaid Church, excluſive of all others whatſoever, their Abſence, or rather Contumacy, in any wiſe notwithſtanding; and we do hereby require you the Rector aforeſaid, or your Curate in your Abſence, to certify our ſaid Vicar General and Official Principal, or his Surrogate, or ſome other competent Judge in this Behalf, what you ſhall do, or in your Abſence your Curate ſhall cauſe to be done, in the Premiſſes, together with theſe Preſents. *In Witneſs* whereof we have cauſed the Seal of the Office of our ſaid Vicar General and

Official Principal, which we uſe in this Behalf, to be put hereunto. *Dated* this —— Day of —— in the Year of our Lord —— and in the —— Year of our Tranſlation.

W. C. Deputy Regiſter.

An Act of Court for a Decree for granting a Licence or Faculty to pull down an old Alms-houſe, and build a Work-houſe.

—— Day of —— in the Year of our Lord —— before the Worſhipful *A. B.* Doctor of Laws, Surrogate in his Chamber in *Doctors Commons*, *London*, in the Preſence of the Notary Publick underwritten.

A Buſineſs of granting a Licence or Faculty for the pulling down an old Alms-houſe, Part thereof ſituate in the North Church-yard of the Pariſh Church of —— in the County of —— as alſo of erecting or buildiug upon the ſaid Ground in the Church-yard aforeſaid, a new Work-houſe of Timber for the Uſe of the Poor of the ſaid Pariſh, promoted by the Church-warden, as alſo ſome of the

Upon which Day *R.* exhibited his Proxy, and made himſelf a Party for the Church-warden and ſeveral others, Pariſhioners of the ſaid Pariſh of —— in the County of —— and alledged as follows, to wit, that there being an old Alms-

the Pariſhioners of the ſaid Pariſh, againſt the Pariſhioners and Inhabitants thereof in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the Premiſſes, or any Part thereof.

houſe for the Relief of the Poor of the ſaid Pariſh, Part thereof ſituate in the North Church-yard of the Pariſh Church aforeſaid, which being very much decayed and out of Repair, containing in Circumference from Eaſt to Weſt —— Feet —— Inches, and from North to South —— Feet; it was agreed at a Meeting of the Pariſhioners and Inhabitants of the ſaid Pariſh, aſſembled in Veſtry on the —— Day of —— that the ſame ſhould be pulled down, and a new Work-houſe of Timber, for the Uſe of the ſaid Poor, ſhould be built on Part of the ſaid Ground, to contain in Circumference from Eaſt to Weſt ——— Feet, and from North to South —— Feet; wherefore the ſaid *R.* prayed, and the Judge, at his Petition, decreed the Miniſter and Pariſhioners of the ſaid Pariſh in ſpecial, and all others in general, to be cited to appear upon —— the —— Day of ——— in (*here ſpecify the Place of Appearance*) and Place of Judicature there, between the Hours of —— and ——— in the —— noon of the ſame Day, then and there to ſhew Cauſe (if any they know or have) why a Licence or Faculty for the pulling down the ſaid Alms-houſe, and alſo for the Building or Erecting a new Work-houſe of Timber, ought not to be granted to the ſaid Church-warden and

Pariſhioners of the ſaid Pariſh, and committed to them in due Form of Law, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, with the uſual Intimation.

A Decree, with an Intimation, for granting a Licence or Faculty to pull down an old Alms-houſe and build a Work-houſe.

E. By Divine Permiſſion Lord Biſhop of —— To all Chriſtian People to whom theſe Preſents ſhall come, or ſhall or may in any wiſe concern, and more eſpecially to the Miniſter, Church-wardens and Pariſhioners of the Pariſh of ——— ſendeth Greeting, in our Lord God Everlaſting: Whereas it hath been ſet forth and alledged before the Worſhipful *R. S.* Doctor of Laws, Surrogate to the Right Worſhipful *H. H.* alſo Doctor of Laws, our (*here recite the Titles of the Judge*) lawfully appointed on the Part and Behalf of the Church-warden and ſeveral Pariſhioners of the ſaid Pariſh, that there being an old Alms-houſe for the Relief of the Poor of the ſaid Pariſh, Part thereof ſituate in the North Church-yard of the ſaid Pariſh Church, which being very much out of Repair, containing in Circumference from Eaſt to Weſt ——— Feet —— Inches, and from North to South —— Feet; it was agreed, by and with the Conſent of ſeveral of the Pa-

Pariſhioners and Inhabitants of the ſaid Pariſh, aſſembled at a Meeting in Veſtry on the —— Day of —— in the Year of our Lord ——— that the ſame ſhould be pulled down, and a new Work-houſe of Timber, for the Uſe of the ſaid Poor, ſhould be built on Part of the ſaid Ground, to contain in Circumference from Eaſt to Weſt —— Feet, and from North to South —— Feet; and whereas the ſaid Church-warden and the other Pariſhioners have by their Proctor humbly prayed our Licence or Faculty for pulling down the ſaid Alms-houſe, and for building a new Work-houſe inſtead thereof, and our Chancellor aforeſaid rightly and duely proceeding, hath, at the Petition of the Proctor of the ſaid Church-warden and Pariſhioners of the ſaid Pariſh, decreed the Pariſhioners and Inhabitants of the Pariſh of ——— aforeſaid in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the Premiſſes, to be cited to appear before our ſaid Chancellor, his Surrogate, or ſome other competent Judge in this Behalf, at a certain Time and Place, to ſhew good and ſufficient Cauſe, if they, or any of them reſpectively have or know any, why a Licence or Faculty ſhould not be granted to them the ſaid Church-warden and Pariſhioners in Manner and for the Purpoſes above expreſſed, with Intimation, that if they do not appear at the Time and Place aforeſaid, or appearing ſhew not good and ſufficient Cauſe to the contrary, our ſaid Chancellor, his Surrogate, or ſome other competent Judge in this Behalf, doth

intend, and will proceed, to the granting ſuch Licence or Faculty to them the ſaid Church-warden and Pariſhioners for pulling down the ſaid Alms-houſe, and for building a new Work-houſe inſtead thereof, as by them deſired, (Juſtice ſo requiring;) We therefore the Biſhop aforeſaid will and require you the Rector of the ſaid Pariſh, or in your Abſence your Curate, by Publication of theſe Preſents, in your Pariſh Church on *Sunday* the —— Day of —— during the Time of Divine Service and Sermon, to cite the Miniſter, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in or to the ſaid Alms-houſe or Ground whereon the ſame now ſtands, to appear before our ſaid Chancellor, his Surrogate, or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon (*here mention the Return*) between the Hours of —— and —— in the —— noon of the ſame Day, then and there to ſhew good and ſufficient Cauſe, if they, or any of them reſpectively, have or know any, why ſuch Licence or Faculty ſhould not be granted and committed to them the ſaid Church-warden and Pariſhioners for pulling down the ſaid Alms-houſe, and for building a new Work-houſe inſtead thereof, as by their Proctor prayed and deſired, and further to do and receive as unto Law and Juſtice ſhall appertain, intimating hereby to you the Rector, and to the Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial,

and

and all others in general, having or pretending to have any Right, Title or Intereſt in or to the ſaid Alms-houſe or Ground whereon the ſame now ſtands, that if they do not appear at the Time and Place aforeſaid, or appearing do not ſhew good and ſufficient Cauſe to the contrary, our Chancellor aforeſaid, or his Surrogate, or ſome other competent Judge in this Behalf, doth intend, and will proceed, to grant our Licence or Faculty to them the ſaid Church-warden and Pariſhioners for pulling down the ſaid Alms-houſe, as alſo for building a new Work-houſe inſtead thereof, prayed as aforeſaid, their Abſence, or rather Contumacy, in any wiſe notwithſtanding; and we do hereby require you the Rector aforeſaid, or in your Abſence your Curate, to certify our ſaid Chancellor, his Surrogate, or ſome other competent Judge in this Behalf, what you, or in your Abſence your Curate, ſhall do, or cauſe to be done, in the Premiſſes, together with theſe Preſents. *Dated*, and ſo forth.

A Petition to obtain a Faculty or Licence to remove a Corpſe.

To the Worſhipful *R. R.* Doctor of Laws, Chancellor of the Dioceſe of ——

The humble Petition of *S. W.* Spinſter, the natural and lawful Daughter and Adminiſtratrix of the Goods, Chattels and Credits of *W. W.* late of ——— in the County of —— deceaſed, as alſo the natural and lawful Siſter and Adminiſtratrix of *M. W.* late of the ſaid Pariſh, deceaſed,

Sheweth,

THAT the Corpſe or Body of your Petitioner's ſaid Father lately deceaſed was in the Month of —— depoſited or buried in the ſaid Pariſh Church of —— and that the Corpſe or Body of your Petitioner's ſaid Siſter was depoſited or buried in the ſaid Pariſh Church in the Month of — that your Petititioner's ſaid Father had a Dwelling-houſe in the Pariſh of ——— in the County of ——— and did generally live there in the Summer-time, that both the ſaid *W. W.* and *M. W.* did deſire to be burried or interred in the Church-yard of the ſaid Pariſh of ——

Your Petitioner does therefore pray a Licence or Faculty for taking up and removing the Bodies of the ſaid *W. W.* and *M. W.* from the Places where they now lie, in order to their Bodies being carried to —— to be buried in the Church-yard there.

A

A Decree, with an Intimation, for granting a Faculty or Licence to remove a Corpſe.

G. P. Doctor of Laws, (*here inſert the Title of the Judge*) of the Reverend Father in God *R.* by Divine Permiſſion Lord Biſhop of ——— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and thro'out the whole Dioceſe of — Greeting: Whereas it hath been ſet forth and alledged before the Worſhipful *R. B.* our Surrogate, on the Part and Behalf of Dame *A. G.* Widow and Relict of Sir *J. G.* late of —— in the County of —— Baronet, deceaſed, that he the ſaid Sir *J. G.* did ſeveral Times in his Life-time, and alſo in his laſt Sickneſs, requeſt and deſire that the ſaid Dame *A. G.* after his Death would remove, or cauſe to be removed, the Bodies of his Father Sir *J. G.* and of his Mother Dame *G.* then lying interred in the Church —— in the County of —— and alſo the Body of his firſt Wife Dame *G.* lying interred in the Church of —— in the ſaid County of ——— and would depoſit, or cauſe the ſaid ſeveral Bodies to be depoſited and interred in a Vault in the Church of —— in the ſaid County of —— which he would order by his Will, or ſome other way, to be built or erected for that Purpoſe; and that accordingly he the ſaid Sir *J. G.* hath by his laſt Will and Teſtament in Writing ordered and appointed the Sum of ——— to be laid out in his Interment at

at —— and in a Monument there to be erected in Memory of him and his Family, according to a Draught called *Virgil's Tomb*, in a Book called, *The Parallel of Architecture*, under which he himſelf had made a Memorandum for the removing of which ſaid ſeveral Bodies, and depoſiting and interring the ſame in the ſaid Vault at —— ſhe the ſaid Dame *A. G.* hath obtained from Sir *H. P.* Knt. Doctor of Laws, Chancellor of the ſaid Dioceſe of ——— two ſeparate Faculties or Licences directed to the Reverend *B. B.* Clerk, and *S. T. R. J.* Miniſters and Church-wardens, and to the other Inhabitants of the ſaid Pariſh of—— and alſo to *L. O.* Clerk, and *N. R. P. R.* Miniſter and Church-wardens of the ſaid Pariſh of —— and to the other Inhabitants thereof, with full Power, Leave, Licence and Authority to dig, or cauſe to be digged up, the ſaid ſeveral Bodies of Sir *J. G.* and his Wife Dame — *G.* and alſo the Body of the ſaid Dame *G.* the firſt Wife of the ſaid Sir *J. G.* the Younger, deceaſed, and to remove the ſame, and to depoſit, or cauſe them to be depoſited in the ſaid Vault at ——— aforeſaid; and that ſhe the ſaid Dame *A. G.* ſince her obtaining of the ſaid Faculties or Licences, hath cauſed Application to be made unto the reſpective Miniſters and Church-wardens of ——— and —— aforeſaid, and the ſaid Licences and Faculties under the Seal of this Court to be ſhewed to the ſaid Miniſters and Church-wardens, and all Fees to be tendered to them reſpectively that may be due to them, or either of them, for breaking the Ground in

in their ſeveral Churches, and likewiſe undertook to make good any Damage that may be occaſioned by breaking the Ground, and to lay down again the Floors or Pavements of the ſaid Churches, in the ſame Manner as they now lie, at the ſole Expence of the ſaid Lady *G.* in order to obtain their Conſent that the ſaid ſeveral Bodies might be removed as aforeſaid, which they the Miniſters and Church-wardens of the ſaid Pariſhes of —— and —— have refuſed, and ſtill do refuſe to grant, by Means whereof the ſaid Lady *G.* has hitherto been, and ſtill is obſtructed and hindered from receiving any Benefit or Effect of the ſaid Licences or Faculties; and whereas our Surrogate aforeſaid, rightly and duely proceeding, hath, at the Petition of the Proctor of the ſaid Dame *A. G.* decreed the Miniſters and Church-wardens of the ſaid Pariſhes of —— and —— to be cited in Manner and to the Effect hereunder written; we do therefore hereby ſtrictly command and injoin you, and every of you, to cite, or cauſe to be cited, (*here inſert the Names of the Miniſters and Church-wardens of the two Pariſhes*) the Miniſters and Church-wardens of the Pariſhes of —— and —— aforeſaid, that they, and each of them, appear before us, or our Surrogate, or ſome other competent Judge in this Behalf, on the —— Day of —— in (*here ſpecify the Place of Appearance*) aforeſaid, at the uſual Hours of hearing Cauſes there, then and there to ſhew Cauſe, if any they have, why the Bodies of the ſaid Sir *J. G.* the Elder, and Dame — *G.* now lying interred in the Church

Church of — and alſo the Body of the ſaid Dame — *G.* firſt Wife of the ſaid Sir *J. G.* the Younger, lying interred at —— aforeſaid, ſhould not be dug up and removed from the ſaid Churches to the new Vault at —— aforeſaid, and why they obſtruct and hinder the ſaid Licences and Faculties from having their juſt and due Effect, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, at the Promotion of the ſaid Dame *A. G.* and whatſoever you ſhall do, or cauſe to be done, in the Premiſſes, you ſhall certify us, our Surrogate, or ſome other competent Judge in this Behalf, together with theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ——

A Decree, with an Intimation, for a Licence or Faculty to build a Family Vault.

E. By Divine Permiſſion Lord Biſhop of — To all Chriſtian People to whom theſe Preſents ſhall come, or ſhall or may in any wiſe concern, and more eſpecially to the Rector, Church-wardens, Pariſhioners and Inhabitants of the Pariſh of —— in the County of —— ſendeth Greeting, in our Lord God Everlaſting: Whereas it hath been ſet forth and alledged before the Worſhipful *S. C.* Doctor of Laws, Surrogate to the Right Worſhipful *H. H.* alſo Doctor of Laws, our Chancellor, on the Part and Behalf of Sir *J. W.* Bart. the Honourable

Dame *B. W.* his Wife, *J. T.* Eſq; and the Honourable *C. T.* his Wife, that they the ſaid Sir *J. W.* Dame *B. W. J. T.* Eſq; and *C. T.* by and with the Conſent of the Rector, Church-wardens and ſeveral of the Pariſhioners and Inhabitants of the ſaid Pariſh of —— for the Time being, have lately cauſed to be made and built a Vault or Burying Place in the Church-yard of —— aforeſaid, at the —— End of the new erected Church of the ſaid Pariſh, containing in Length from Eaſt to Weſt —— Feet —— Inches, or thereabouts, and in Breadth from North to South —— Feet, or thereabouts, and in Depth —— Feet, or thereabouts, over which is intended to be erected a Monument in Memory of the Family of the Right Honourable *J.* late Lord *B.* Baron of *W.* deceaſed, with ſufficient Steps to go down into the ſaid Vault, and to be incloſed with Iron Rails, for a Burial Place for the Interment of the Bodies of them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* their Heirs and Families for ever, excluſive of all others (the ſaid Dame *B. W.* and the ſaid *C. T.* being the Daughters and Coheireſſes of the ſaid late Lord *B.* deceaſed) in which ſaid Vault or burying Place lie now buried or interred the Corpſe of the ſaid late Lord *B.* and of ſeveral others of his Family; and that they the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* are deſirous to have the ſaid Vault or burying Place and Monument, when built and railed in, approprirted and confirmed for a burial Place for the Interment of the Bodies of them the ſaid Sir *J. W.* Dame *B. W. J. T.* and

and *C. T.* their Heirs and Families, excluſive of all others whatſoever; and whereas the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* have by their Proctor humbly deſired our Licence or Faculty for appropriating and confirming the ſame accordingly; and whereas the ſaid Surrogate of our ſaid Chancellor hath, at the Petition of the Proctor of the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* decreed the Rector, Churchwardens, Pariſhioners and Inhabitants of the ſaid Pariſh of —— and all others in general, having or pretending to have any Right, Title or Intereſt in the Premiſſes, to be cited to appear before our ſaid Chancellor, his Surrogate or ſome other competent Judge in this Behalf, at a certain Time and Place, to ſhew good and ſufficient Cauſe, if they, or any of them reſpectively, have or know any, why a Licence or Faculty ſhould not be granted to them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* in Manner and for the Purpoſes above expreſſed, with Intimation, that if they do not appear at the Time and Place aforeſaid, or appearing do not ſhew good and ſufficient Cauſe to the contrary, our ſaid Chancellor, his Surrogate or ſome other competent Judge in this Behalf, doth intend, and will proceed to the granting ſuch Licence or Faculty to them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* for appropriating and confirming the ſaid Vault or burying Place in Manner as by them deſired; We therefore the Biſhop aforeſaid will and require you the Rector of the ſaid Pariſh, or in your Abſence your Curate, by Publication of theſe Preſents

in your Pariſh Church on *Sunday* the —— Day of ——— during the Time of Divine Service and Sermon, to cite the Church-wardens, Pariſhioners and Inhabitants of your ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the ſaid Vault or Burying Place, to appear before our ſaid Chancellor, or his Surrogate or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) and in the Place of Judicature there, upon — the — Day of —— between the Hours of —— and —— in the —— noon of the ſame Day, then and there to ſhew good and ſufficient Cauſe, if they or any of them reſpectively have or know any, why ſuch Licence or Faculty ſhould not be committed and granted to them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* for appropriating and confirming to the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* the ſaid Vault or burying Place for their Uſe and Benefit for the Interment of the Bodies of them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* their Heirs and Families for ever, excluſive of all others whatſoever, as alſo for erecting and building a Monument over the ſaid Vault, with ſufficient Steps to go down into the ſame, and for incloſing the ſame with Iron Rails, and further to do and receive as unto Law and Juſtice ſhall appertain, intimating hereby to you the Rector, and to the Church-wardens, Pariſhioners and Inhabitants of the ſaid Pariſh in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the

ſaid Vault or Burying Place, that if they do not appear at the Time and Place aforeſaid, or appearing do not ſhew good and ſufficient cauſe to the contrary, our Chancellor, or his Surrogate or ſome other competent Judge in this Behalf, doth intend, and will proceed, to grant our Licence or Faculty to them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* for appropriating or confirming the ſaid Vault or Burying Place of the Dimenſions above expreſſed, for the Uſe and Benefit, and for a Burying Place for the Interment of the Bodies of them the ſaid Sir *J. W.* Dame *B. W. J. T.* and *C. T.* their Heirs and Families for ever, excluſive of all others whatſoever, as alſo for erecting and building a Monument over the ſaid Vault, with ſufficient Steps to go down into the ſame, and for incloſing the ſame with Iron Rails, their Abſence, or rather Contumacy, in any wiſe notwithſtanding; and we do hereby require you the Rector aforeſaid, or in your Abſence your Curate, to certify our ſaid Chancellor, his Surrogate or ſome other competent Judge in this Behalf, what you, or in your Abſence your Curate, ſhall do, or cauſe to be done, in the Premiſſes, together with theſe Preſents. *Dated*, and ſo forth.

An

An Act of Court, conteſting for a Licence to be Maſter of a Free-School.

—— Seſſion of —— Term, to wit, ——
the —— Day of —— *&c.*

A Buſineſs of granting a Licence to perform the Office of a School-maſter, and to teach and inſtruct Children in the Rules of Grammar, in the Pariſh of — in the County of —— promoted by *R. B.* Clerk, againſt *J. P.* Eſq; pretending to have Intereſt.

G. *T.*

Upon which Day *G.* exhibited his Proxy for the aforeſaid *R. B.* Clerk, and made himſelf a Party for him, and alledged, that his ſaid Party was and is duely elected and nominated to perform the Office of a School-maſter within the Pariſh of —— aforeſaid, and that his ſaid Party was and is a Miniſter in holy Orders of the Church of *England*, and a Perſon duely qualified to be intruſted with the Care and Education of Youth, and therefore prayed a Licence to be granted to his ſaid Party for that Purpoſe, and Right and Juſtice to be done to his ſaid Party in the Premiſſes, in the Preſence of *T.* diſſenting thereto, and exhibiting his Proxy for the aforeſaid *J. P.* and alſo for *S. W.* and making himſelf a Party for them, and alledging, that the ſaid *J. P.* was and is the Patron of the Free-School founded within the Pariſh of —— aforeſaid, and that the ſaid *S. W.* was and is choſen

and appointed, by a certain Inſtrument under the proper Hand and Seal of the ſaid Patron, to be School-maſter of the ſaid Free-School, void as to *G.*'s Party, and that he is a Perſon fitly qualified to perform the Office of a Schoolmaſter there; then appeared perſonally the ſaid *S. W.* and exhibited a Certificate of his Skill in Learning and Integrity of Life, as alſo another Certificate of his having received the Sacrament of the holy Euchariſt, according to the Rites and Ceremonies of the Church of *England* as by Law eſtabliſhed, and offered himſelf ready and willing to ſubſcribe to the Oaths of Allegiance and Supremacy to this Prince and Government, as alſo to the Oath of Abjuration, and to the three Articles in the 26th Chapter of the Book of Canons and Conſtitutions of the Church, publiſhed and confirmed in the Year 1603. by Royal Authority, and alſo to ſubſcribe to the Declaration made againſt Tranſubſtantiation, according to an Act of Parliament in that Behalf made and provided; and thereupon prayed a Licence or Faculty to be granted to him to perform the Office of a School-maſter in the Free-School aforeſaid, and Right and Juſtice to be done to him in the Premiſſes, the ſaid *G.* diſſenting and denying *T.*'s Allegation to be true, and alledging, that the ſaid *R. B.* was and is choſen School-maſter of the ſaid Free-School, and was and is now in the actual Poſſeſſion thereof, by Virtue of a certain Inſtrument duely executed under the proper Hand and Seal of the ſaid *J. P.* Dated ——— Day of ——— in the Year of our Lord

Lord ——— which Allegation the ſaid *G.* propounded jointly and ſeverally, and prayed the ſame to be admitted, and *T.*'s Anſwer to be immediately given thereto; and for Supply of Proof of the Contents of his ſaid Allegation exhibited and left in the Regiſtry of this Court, a certain Parchment Inſtrument beginning thus, to wit, Whereas *W. P.* late of —— and ſo forth, end ending thus, Have hereunto ſet my Hand and Seal, and ſo forth; and alledged, that the ſaid Inſtrument was ſigned and ſealed by and with the proper Hand and Seal of the ſaid *J. P.* and that every Thing was ſo had and done as therein is contained, and that the ſaid *R. B.* and *J. P.* named in the ſaid Inſtrument, and *R. B.* and *J. P.* Parties in this Cauſe, were and are the ſame Perſons, and not divers; whereupon the Judge, at the Petition of *G.* admitted the ſaid Allegation and Exhibit as far as by Law may be admitted, and aſſigned *T.*'s Anſwer thereto immediately; and the ſaid *T.* diſſenting and anſwering, confeſſed the Inſtrument to be under the proper Hand and Seal of the ſaid *J. P.* one of his ſaid Parties, and alſo confeſſed the Identity of the Perſons, and alledging, that the ſaid *R. B.* ſince his pretended Nomination as aforeſaid, not only neglected to inſtruct the Children in the ſaid School, but alſo to qualify himſelf to be Maſter thereof, by taking out a Licence from the Biſhop or Ordinary of the Dioceſe, according to an Act of Parliament, intitled, *An Act for the Uniformity of publick Prayers and Adminiſtration of the Sacraments, and other Rites*

and Ceremonies, and for eſtabliſhing the Form of making, ordaining and conſecrating Biſhops, Prieſts and Deacons in the Church of England; and hath refuſed, or at leaſt neglected, the Office of a School-maſter there, by Virtue of the aforeſaid Act of Parliament, being void as to the ſaid *R. B.* by reaſon of the Premiſſes, the ſaid *S. W.* was duely elected and nominated School-maſter of the ſaid Free-School by the ſaid *R. P.* by a certain Inſtrument in Writing under his Hand and Seal, bearing Date the —— Day of —— in the Year of our Lord —— which ſaid Paper Writing begins thus, to wit, Know all Men by theſe Preſents, that whereas I *J. P.* and ſo forth, and ending thus, Witneſs my Hand and Seal the —— Day of —— and the ſaid *T.* for Supply of Proof of the Contents of the aforeſaid Allegation, exhibited and alledged the ſaid Inſtrument was under the proper Hand and Seal of the ſaid *J. P.* and that all and ſingular the Contents in the ſaid Allegation were and are true, and that every Thing was ſo had and done as therein is contained, and that the aforeſaid *R. B. G.*'s Party, and *J. P.* his other Party, and *R. B.* and *J. P.* mentioned in the ſaid Inſtrument, were and are the ſame Perſons, and not divers; which Allegation and Inſtrument the ſaid *T.* propounded jointly and ſeverally, and prayed, and the Judge, at his Petition, admitted the ſame as far as by Law may be admitted, and aſſigned *G.* to anſwer thereto immediately; *G.* diſſenting, but anſwering confeſſed the Inſtrument exhibited by *T.* as aforeſaid to be ſigned and ſealed by and with the proper Hand and

Seal

Seal of the ſaid *J. P.* as alſo the Identity of the Perſons, *T.* accepting the Matters and Things confeſſed as aforeſaid, ſo far as made for the Intereſt of his Party, but otherwiſe diſſenting and denying, prayed a Licence or Faculty to be granted and committed to his Party the ſaid *S. W.* to perform and exerciſe the Office of a Schoolmaſter in the ſaid Free-School, and Right and Juſtice to be done to him in the Premiſſes; the ſaid *G.* diſſenting thereto, and denying *T.*'s Allegation to be true, and Juſtice to be done to him and his Party in the Premiſſes, whereupon the Judge aſſigned to hear his Pleaſure upon the Petitions of both Proctors the next Court-Day.

A Preſentation to a Benefice or Living.

TO the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of— or to your Vicar General, or to any other Perſon impowered to admit this our Preſentation, we your humble and devoted *T.* by Divine Permiſſion Lord Biſhop of —— Dean of the Cathedral Church of ——— and the Chapter of the ſaid Church, the true and undoubted Patrons of the perpetual Vicarage of the Pariſh Church of—— in the County of ——— and your Dioceſe of —— with all due Reverence and Obedience to our Reverend Father, do by Virtue of theſe Preſents preſent *R. C.* Maſter of Arts, to the ſaid perpetual Vi-

carage of —— aforeſaid, now lawfully vacant by the Death of *A. M.* Clerk, the laſt Vicar and Incumbent thereof, and belonging to our Preſentation in full Right, humbly praying you to admit the ſaid *R. C.* to the ſaid perpetual Vicarage, and to inſtitute him canonically Vicar thereof, and to inveſt him with all the Rights, Members and Appurtenances thereunto belonging, and to perform and fulfil every Thing that belongs to your Paſtoral Juriſdiction in this Behalf. *In Witneſs, &c.*

An Induction to a Benefice or Living.

TO the Right Reverend Father in God *R.* by Divine Permiſſion Biſhop of— his Vicar General in Spirituals, or to any other Perſons having ſufficient Authority in this Behalf, I *R. O.* Eſq; the true and undoubted Patron of the Vicarage Pariſh Church of —— in the County of —— and your Lordſhip's Dioceſe of —— do by theſe Preſents nominate, preſent and appoint *E. C.* Clerk, to the ſaid Vicarage of —— now void by the Death of the laſt Incumbent thereof, and belonging of full Right to my Preſentation, humbly praying that your Lordſhip will be pleaſed to admit the ſaid *E. C.* to the ſaid Vicarage of —— and canonically to inſtitute and cauſe him to be inducted into the ſame, with all its Rights, Members and Appurtenances, and to do and fulfil all other Things which in this Behalf belong to your Epiſcopal Office

to

to perform. *In Witneſs* whereof I have hereunto put my Hand and Seal this —— Day of —— in the Year of our Lord ——.

R. O.

Signed and ſealed in the Preſence of

A. B.
C. D.

A Qualification for a Nobleman's Chaplain.

KNOW all Men by theſe Preſents, That I *R.* Earl of ——— have admitted, conſtituted and appointed, and by theſe Preſents do admit, conſtitute and appoint the Reverend *R. W.* Clerk, Maſter of Arts, my Domeſtick Chaplain, to have, hold and enjoy all and ſingular the Benefits, Privileges, Liberties and Advantages due and of Right granted to the Chaplains of Nobility by the Laws and Statutes of this Realm. *In Witneſs* whereof I have hereunto ſet my Hand and Seal this —— Day of —— in the Year of our Lord ——.

A Decree, with an Intimation, for granting a Licence or Faculty to enable a Clergyman to preach in a certain Chapel.

E. By Divine Permiſſion Lord Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our Dioceſe of — Greeting: Whereas the Right Worſhipful *H. H.* Doctor of Laws, our (*here inſert the Title of the Judge*) of the —— Court of ——— lawfully appointed, rightly and duely proceeding, hath, at the Prayer of the Proctor of the Reverend *A. H.* Clerk, decreed *R. A.* one of the Truſtees of the Chapel of —— ſituate in the Pariſh of —— in the County of ——— in ſpecial, and all others in general, having or pretending to have any Right, Title or Intereſt in the ſaid Chapel, to be cited to appear in Judgment on the Day, at the Time and Place, and to the Effect hereunder written, and in Manner and Form herein after mentioned, (Juſtice ſo requiring;) We do therefore authorize, impower and ſtrictly injoin and command you, jointly and ſeverally, that you do peremptorily cite, or cauſe to be cited, the aforeſaid *R. A.* in ſpecial, and all others in general as aforeſaid, by firſt publickly affixing this original Decree on one of the folding or outward Doors of the ſaid Chapel for ſome Time, upon ſome *Sunday* or Feſtival Day next immediately fol-

following the Receipt of theſe Preſents, during the Time of Divine Service, while the greater Part of the Congregation are preſent to hear Divine Service in the ſaid Chapel, and by leaving there affixed a true Copy thereof, and by all other lawful Ways, Means and Methods whatſoever, whereby this our Citation may moſt likely come to the Knowledge of him the ſaid *R. A.* in ſpecial, and all others in general, ſo to be cited as aforeſaid, that they, or one of them, appear before our (*here recite the Title of the Judge*) aforeſaid, his Surrogate or ſome other competent Judge in this Behalf, in (*here ſpecify the Place of Appearance*) upon the —— Seſſion of —— Term, to wit, the —— Day of —— between the Hours of —— and —— in the —— noon of the ſame Day, then and there to ſhew good and ſufficient Cauſe, if they, or any of them, hath or knows any, why a Licence ſhould not be granted to the ſaid *A. H.* in due Form of Law to perform the Office or Duty of a Preacher in the ſaid Chapel in common Prayers, and all other Miniſterial and Eccleſiaſtical Acts in any wiſe belonging to the ſaid Office, according to the Form preſcribed in the Book of Common Prayer, by Authority of the Parliament of this Realm of *Great Britain* in that Behalf made and provided, and according to the Canons and Conſtitutions in that Behalf lawfully eſtabliſhed and confirmed, and further to do and receive as to Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, at the Promotion of the ſaid *A. H.* and you are

hereby alſo required to certify our —— aforeſaid, his Surrogate or ſome other competent Judge in this Behalf, what ye ſhall do in the Premiſſes, together with theſe Preſents. *Dated* at ——— the —— Day of —— in the Year of our Lord ——

An Act of Court for a Decree againſt certain pretended Preachers in a Chapel, and alſo againſt one of the pretended Truſtees thereof, to render an Account of the Monies received at the Time of celebrating the Euchariſt or Lord's Supper.

——— Day of ——— *&c.*

A Buſineſs of rendring and exhibiting a true and juſt Account of all and every Sum and Sums of Money taken, received and diſpoſed of, as well by the Reverend *N. M. S.T.P.* and *J. M. L. L. D.* the pretended Preachers in the Chapel of —— ſituate in the Pariſh of —— in the County of —— as alſo by *J. S.* one of the pretended Truſtees of the ſaid Chapel, and Collector of the Oblations or Offerings made in the ſaid Chapel at the reſpective Times of Upon which Day *G.* exhibited his Proxy for the ſaid Reverend *G. B.* and for the ſaid *R. H.* and *W. L.* and made himſelf a Party for them, and alledged, that the ſaid *N. M.* and *J. M.* have been pretended Preachers in the Chapel of —— aforeſaid for ſeveral Years laſt cele-

celebrating the Holy Sacrament of the Lord's Supper in the ſaid Chapel, promoted by the Reverend *G. B.* Rector of the ſaid Pariſh Church of — aforeſaid, and *R. H.* and *W. L.* Guardians or Church-wardens thereof, againſt the ſaid *N. M. J. M.* and *E. S.* paſt, and that the ſaid *J. S.* was and is one of the pretended Truſtees thereof, and alſo a Collector of the Oblations or Offerings made in the ſaid Chapel, and as ſuch they have reſpectively received divers Sums of Money at the ſeveral and reſpective Times of celebrating the Holy Sacrament of the Lord's Supper in the Chapel of —— aforeſaid, and that the ſaid *G. B.* one of his ſaid Parties, was and is Rector of the ſaid Pariſh Church of ——— aforeſaid, and that the aforeſaid *R. H.* and *W. L.* were and are the Guardians or Church-wardens of the ſaid Pariſh, and that the ſaid *N. M.* and *J. M.* and alſo *J. S.* have not rendered, and do reſpectively refuſe to render or give any Account to his ſaid Parties of the ſaid ſeveral Sums of Money ſo received by them as aforeſaid; wherefore the ſaid *G.* prayed, and the Judge, at his Petition, decreed the ſaid *J. M. N. M.* and *J. S.* to be cited to appear in the (*here ſpecify the Place of Appearance*) and Place of Judicature there, upon the ——— Day of ——— between the Hours of ——— and ——— in the ——— noon of the ſame Day, then and there to exhibit and render a true, juſt, faithful

faithful and particular Account of all and every ſuch Sum and Sums of Money ſo offered as aforeſaid, and received by them reſpectively as aforeſaid, and how and in what Manner the ſaid Sums of Money ſo collected and received were and are by them diſburſed or diſpoſed of by Virtue of their corporal Oaths, and further to do and receive what unto Law and Juſtice ſhall appertain, under Pain of the Law and Contempt thereof, at the Promotion of the ſaid *G. B. R. H.* and *W. L.*

Articles

Articles promoted againſt a Perſon for quarrelling and fighting in a Church.

In the Name of God, *Amen.* We *C. P.* Doctor of Laws (*here inſert the Title of the Judge*) of the Reverend the Dean and Chapter of the Cathedral Church of ——— in the County of ——— lawfully appointed, to you *T. S.* of the Pariſh of —— in the County of —— aforeſaid, acting by *E. R.* your Guardian, all and every the Poſitions or Articles within written for your Soul's Health, and for the Reformation and Correction of your Manners and Exceſſes, and more eſpecially for quarrelling in the ——— Church of ——— and for laying and impoſing violent Hands upon the Perſon of *C. C.* of the Pariſh of ——— and for ſtriking of the ſaid *C. C.* in the ſaid —— Church of ——— by Virtue of our Office, at the Promotion of the ſaid *C. C.* do give, object, article and offer articulately as follows; (to wit,)

1. WE article and object to you the aforeſaid *T. S.* acting by *E. R.* your Guardian, that in a certain Statute made and provided in the fifth and ſixth Years of the Reign of *Edward* VI. late King of *England*, it is thereby enacted (amongſt other Things) in the 4th Chapter as follows; to wit, "And if any Perſon whatſo-"ever ſhall at any Time after the firſt Day "of

" of *May* next enſuing by Words only " quarrel, chide or brawl in any Church or " Church-yard, that then it ſhall and may " be lawful for the Ordinary of the Place " where the ſaid Offence ſhall be done, and " proved by two lawful Witneſſes, to ſuſ- " pend every Perſon ſo offending, (that is " to ſay) if he be a Layman *ab ingreſſu* " *eccleſiæ*, and if he be a Clerk, from the " Adminiſtration of his Office for ſo long as " the Ordinary ſhall by his Diſcretion think " fitting and convenient, according to the " Fault;" And we article and object as before.

2. Alſo we article and object to you the ſaid *T. S.* that 'tis alſo enacted by the ſaid Statute as follows, (to wit,) " And further " it is enacted by the Authority aforeſaid, " that if any Perſon or Perſons after the " firſt Day of *May* next enſuing ſhall ſmite " or lay violent Hands upon any other, ei- " ther in any Church or Church-yard, that " *ipſo facto* every ſuch Perſon ſo offending " ſhall be deemed excommunicate, and be " excluded from the Fellowſhip and Com- " pany of Chriſt's Congregation." And we article and object jointly and ſeverally, and of any other Time, and as before.

3. Alſo we article and object to you the ſaid *T. S.* that you the ſaid *T. S.* did upon —— the —— Day of ——— in the Year of our Lord —— brawl, chide and quarrel in the ——— Church of ——— and did then and there in an angry and paſſionate Manner (brawling, chiding and quarrelling in the ſaid —— Church) call the ſaid *C. C.* the Promoter in this Cauſe (*here inſert the*

Præſertim *of the Accuſation, by mentioning the abuſive Language that was given,*) and didſt then and there uſe ſeveral other brawling and chiding Words and Expreſſions againſt the ſaid *C. C.* and we article and object jointly and ſeverally, and of any other Time, and as before.

4. Alſo we article and object to you the aforeſaid *T. S.* that you the ſaid *T. S.* did upon the ſaid —— Day of —— in the ſaid —— Church of —— in an angry and quarrelſome Manner lay violent Hands upon the ſaid *C. C.* and (*here mention how and in what Manner the Blows were ſtruck*) in an angry, paſſionate and quarrelſome Manner; and we article and object as before.

5. Alſo we article and object to you the aforeſaid *T. S.* that you have incurred the Penalty of the Statute by reaſon of your Exceſs in the Premiſſes, and ought to be puniſhed and corrected according to the Exigency of the Law; and we article and object as before.

6. Alſo we article and object to you the aforeſaid *T. S.* that you the ſaid *T. S.* were and are a Layman of the Pariſh of —— in the County of —— and by reaſon thereof ſubject to the Juriſdiction of this Court; and we article and object as before.

7. Alſo we article and object to you the ſaid *T. S.* that the ſaid *C. C.* the Party Agent in this Cauſe, hath rightly and duely complained of the Premiſſes to us the Judge aforeſaid, and to our Court; and we article and object as before.

8. Alſo we article and object to you the aforeſaid *T. S.* that all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, of which legal Proof being made, we will that you the aforeſaid *T. S.* be duely corrected and puniſhed according to the Exigency of the Law, and alſo be condemned in the Coſts of this Suit made and to be made in this Cauſe by and on the Part and Behalf of the ſaid *C. C.* and compelled to the due Payment thereof to him or his Party by our definitive Sentence or final Decree to be given in this Cauſe, and further to do, ordain and decree in the Premiſſes what ſhall be lawful in this Behalf, all and ſingular which Premiſſes we propound and will to be done jointly and ſeverally, not obliging us, nor the Promoter of our Office, to prove all and ſingular the Premiſſes, nor to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

Articles

Articles promoted againſt a Clergyman for not permitting the Church-wardens to repair the Church.

IN the Name of God, *Amen, and ſo forth, as in other Articles.*

1. We article and object unto you the ſaid *H. G.* that by the Canons and Conſtitutions Eccleſiaſtical, and more particularly by the 85th Canon, "The Church-wardens of every Pariſh are and ought to take Care and provide that their Pariſh Churches be from Time to Time well and ſufficiently repaired, maintained and kept, that the Windows be well glazed, the Floors kept paved plain and even, and all Things there in ſuch an orderly and decent Manner, without Duſt or any Thing elſe that may be either noiſome or unſeemly, as beſt becometh the Houſe of God;" and we article and object to you of every Thing jointly and ſeverally.

2. Alſo we article and object to you the ſaid *H. G.* that the Pariſh Church of —— in the County of —— of which you are Rector, was in all the Months in the Year —— or in ſome or one of them, and alſo in the Months of —— and —— and now is very much out of Repair, (*here mention the particular Repairs which are neceſſary to be done*) which required ſeveral Days Work for Maſons, Plaiſterers, Plumbers and Glaziers; and we article and object as before.

3. Alſo we article and object to you the ſaid *H. G.* that the ſaid *J. B.* the Promotor, being one of the Church-wardens of the ſaid Pariſh of —— for the ſaid Year —— purſuant to the Duty incumbent upon him by Virtue of his ſaid Office, did conſult with and employ ſeveral Workmen to perform and compleat the Repairs of the ſaid Church, and more particularly thoſe mentioned in the next foregoing Article, and thereof did ſeveral Times within the ſaid Year inform and acquaint you in the Preſence of *T. S.* and others Workmen, to repair the ſame; and we article and object as before.

4. Alſo we article and object to you the ſaid *H. G.* that notwithſtanding the Premiſſes in the next foregoing Articles, you the ſaid *H. G.* did of your own Accord, without any legal or proper Authority, and without the Conſent of the Church-wardens of the ſaid Pariſh, with an Intent to prevent the ſaid *J. B.* and the Workmen employed by him, from going into the ſaid Church in order to view the Defects of the ſame, and to make and perform the neceſſary Reparations aforeſaid ſeveral Times in the Months of —— and —— and at other Times put, or cauſe to be put, on the inſide of the Doors of the ſaid Pariſh Church Bolts, Bars and Faſtenings; and we article and object as before.

5. Alſo we article and object to you the ſaid *H. G.* that the ſaid *J. B.* did upon the —— Day of —— go along with the aforeſaid *T. S.* and *J. S.* Carpenters to the ſaid Church, with an Intent of viewing and doing

doing all ſuch Repairs as were neceſſary to be done in their way of Buſineſs, and alſo upon the ——— Day of ——— the ſame Month, he the ſaid *J. B.* did go along with the ſaid *T. S. J. S.* and *M. W.* Plaiſterer to the ſaid Church, with the ſame Intent, at both which Times the Doors were by you, or your Directions, locked, bolted and faſtened on the inſide, ſo that they could not get into the ſaid Church, and that notwithſtanding Application was made to you by the ſaid *J. B.* at one or both of the ſaid Times, to permit him to go into the ſaid Church for the Purpoſes aforementioned, you abſolutely refuſed to order the Bolts, Bars and Faſtenings to be taken off the ſaid Doors, and would not permit the ſame to be opened, in order that the ſaid *J. B.* and the ſaid Workmen might go into the ſaid Church to take Care of the neceſſary Repairs of the ſame; and we article and object as before.

6. Alſo we article and object to you the ſaid *H. G.* that by reaſon of the Premiſſes the ſaid Pariſh Church of ——— ſtill continues in want of ſeveral neceſſary Repairs, and particularly thoſe beforementioned, and daily ſuffers great Damage, and if not timely provided againſt, will grow much more ruinous and decayed; and we article and object as before.

7. Alſo we article and object to you the ſaid *H. G.* that the ſaid *J. B.* was duely ſworn into the Office of Church-warden for the ſaid Pariſh of —— in the Month of —— for one whole Year from thence enſuing, and that by reaſon of the Preſentment made

and exhibited by him the ſaid *J. B.* at the Viſitation of the Reverend Mr. *R. C.* Archdeacon of ——— on ——— the —— Day of —— laſt, againſt you the ſaid *H. G.* and of your being Rector of the ſaid Pariſh of —— you are ſubject to the Juriſdiction of this Court; and we article and object as before.

8. Alſo we article and object to you the ſaid *H. G.* that all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proof being made, we will that Right and Juſtice be effectually adminiſtred, and that you the ſaid *H. G.* be by canonical Cenſures compelled to deſiſt from ſuch your Exceſſes for the future, and be moniſhed to permit and ſuffer the Churchwardens of the ſaid Pariſh of ——— to go into the ſaid Church, with ſufficient Workmen, in order to view, clean and repair the ſame, and that you the ſaid *H. G.* be condemned in all the lawful Coſts made or to be made in this Buſineſs by us, or our definitive Sentence or final Interlocutory Decree, which we ſhall read and promulge therein.

A

A Libel in a Cauſe of Rate for Repairs of a Church.

IN the Name of God, *Amen:* Before you the Worſhipful *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of ——— and Official Principal of his —— Court of —— lawfully appointed your Surrogate, or ſome other competent Judge in this Behalf, the Proctor of *J. L.* and *T. T.* Guardians or Wardens of the Pariſh Church of ——— within the Dioceſe of —— againſt the Honourable *G. W.* of the ſame Pariſh, and alſo againſt any other Perſon or Perſons whomſoever, lawfully intervening or appearing for him before you in Judgment by way of Complaint, and hereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, that is to ſay,

1. That in the Year of our Lord ——— and in the Months of — therein concurring, all, ſome or one of them, there was a Neceſſity of laying out ſeveral Sums of Money upon repairing the Steeple of the Church, and building and repairing the Fences of the Church-yard of the Pariſh Church of ——— aforeſaid, and other neceſſary Matters and Things to be done, had and provided in and about the ſame; and the Party Proponent doth alledge and propound of any other Time, and of every other

Thing as ſhall appear hereafter from the Proofs to be made in this Cauſe jointly and ſeverally.

2. That at a Veſtry held the —— Day of —— in the Queſt-houſe of the ſaid Pariſh, adjoining to the Church-yard of the ſaid Church, upon due and legal Notice given it was then and there agreed and ordered, that the Steeple of the ſaid Pariſh Church ſhould be well and ſufficiently repaired, and that the Fences of the Church-yard of the ſaid Pariſh Church ſhould be new built and repaired, as in and by the ſaid Order of Veſtry, (Reference being thereunto had) it doth and may more fully and at large appear; and this was and is true, publick and notorious; and the Party Proponent doth alledge and propound as before.

3. That after the Premiſſes in the next precedent Article mentioned at a Veſtry held in the aforeſaid Queſt-houſe on the —— Day of —— upon due Notice given, a Rate or Aſſeſſment for defraying or paying the Charge of what was agreed upon the —— Day of —— then next preceding, was equally made according to a Pound-Rate, being the uſual Method of making of Rates in the ſaid Pariſh, wherein every Pariſhioner and Inhabitant thereof, and others who had held, occupied and enjoyed any Houſes, Lands or Eſtate in the ſaid Pariſh, and ratable to the Repairs of the ſaid Church, were rated, aſſeſſed and charged according to the Eſtate, Houſe or Quantity of Land ſuch Perſon had, held, occupied and enjoyed within the ſaid Pariſh;

riſh; and this was and is true, publick and notorious; and the Party Proponent doth alledge and propound every Thing contained in this Article jointly and ſeverally, and as before.

4. That the ſaid *G. W.* at the Time of mending and repairing the ſaid Church-Steeple, and building and repairing the Fences of the Church-yard, and making ſuch Alterations as before ſet forth, and for ſeveral Years before did, and does now dwell and inhabit within the ſaid Pariſh of —— and did and does hold, occupy and poſſeſs a Houſe or Meſſuage within the ſame, and is in and by the ſaid Rate or Aſſeſſment duely and juſtly rated and aſſeſſed at the Sum of ——— of good and lawful Money of *Great Britain*, and ſo much he ought to pay, as and for his Proportion to the ſaid Rate or Aſſeſſment; and this was and is true, publick and notorious; and the Party Proponent doth alledge and propound as before.

5. That the ſaid *J. L.* and *T. T.* now are Church-wardens of the ſaid Pariſh of— and were rightly and duely admitted to ſerve the ſaid Office; and this was and is true, publick and notorious; and the Party Propopent doth alledge and propound as before.

6. That the ſaid Honourable *G. W.* although often, or at leaſt once, asked and required to pay, or cauſe to be paid, the ſaid Sum of ——— due by Virtue of the Rate or Aſſeſſment as aforeſaid, hath refuſed, and at preſent doth refuſe, or at leaſt hath unjuſtly delayed, and at preſent doth

doth delay to pay the ſame; and this was and is true, publick and notorious; and the Party Proponent doth alledge and propound as before.

7. That the ſaid Honourable *G. W.* aforeſaid was and is of the Pariſh of —— in the County of —— and Dioceſe of ——— and therefore ſubject to the Juriſdiction of this Court; and the Party Proponent doth alledge and propound as before.

8. That of and concerning the Premiſſes it hath been, and is on the Part and Behalf of the ſaid *J. L.* and *T. T.* rightly and duely complained to you the Vicar General and Official Principal aforeſaid, and to this Court; and the Party Proponent doth alledge and propound as before.

9. That all and ſingular the Premiſſes aforeſaid were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, of which legal Proof being made, the Party Proponent prays Right and Juſtice to be done and adminiſtred to him and his Parties, and the ſaid Honourable *G. W.* to be condemned in the Payment of the ſaid Sum of ——— due by Virtue of the ſaid Rate or Aſſeſſment as aforeſaid, and alſo be condemned in Coſts made and to be made in this Cauſe, on the Part and Behalf of his ſaid Parties, and compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given in this Cauſe, and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging himſelf to prove all and ſingular the Premiſſes, nor to

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the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

A Libel in a Cauſe of Rate for Repairs of a Church.

IN the Name of God, *Amen, and ſo forth, as in the preceding Libel.*

1. That the Pariſh Church of —— in the County of —— being out of Repair, *C. H.* and *T. M.* the Church-wardens of the ſaid Pariſh for the Year —— being obliged to lay out ſome conſiderable Sums of Money in and about the ſame, and for other Things relating to the Office of Church-wardens of the ſaid Pariſh, the ſaid Church-wardens, and ſeveral of the moſt ſubſtantial Inhabitants of the ſaid Pariſh of —— on or about the —— Day of —— did meet together, purſuant to due and legal Notice given in that Behalf, in order to make a Church-Rate or Aſſeſſment, and being ſo met, did agree and reſolve that a Rate ſhould be made, and that every Pariſhioner, or Perſon ratable, ſhould be taxed and pay after the Rate of 10 *d. per* Pound for all ſuch Houſes, Lands or Tenements which they held, occupied or enjoyed in the ſaid Pariſh, or in the Limits thereof, amounting in the Whole to the Sum of —— and the

the Party Proponent doth propound and alledge of any other Space of Time, and of any other Sum or Sums of Money as ſhall appear from the Proofs to be made in this Cauſe, and of every Thing jointly and ſeverally.

2. That the ſaid *T. S.* at the Time of making the ſaid Rate, did live and reſide, and was an Inhabitant, and did hold, occupy, enjoy and rent a Houſe with ſeveral Parcels of Land within the Pariſh of —— aforeſaid, of the yearly Rent of —— or at leaſt ——— for which he was rightly and equally rated and aſſeſſed in the Rate aforeſaid at the Sum of ——— and the Party Proponent doth alledge and propound as before.

3. That for Supply of Proof of the Premiſſes, the ſaid *R. C.* and *E. R.* do exhibit and leave in the Regiſtry of this Court a certain original Rate, and do alledge that the ſame was and is ſubſcribed by the Church-wardens and ſeveral of the moſt conſiderable Inhabitants of the ſaid Pariſh, and that all and ſingular the Contents thereof were and are true, and ſo had and done as therein is contained, and that on the — Day of ——— laſt paſt the ſaid Rate was confirmed and allowed of by the Worſhipful *E. K.* Doctor of Laws, Surrogate of the ſaid Worſhipful *H. H.* alſo Doctor of Laws, and that in Submiſſion and Conformity to, and in Compliance with the ſaid Rate, moſt or the greateſt Part of the Pariſhioners and Perſons therein named and rated, have paid and ſatisfied their reſpective Sums of Money ſo rated and aſſeſſed upon them; and

and the Party Proponent doth propound and alledge as before.

4. That *C. H.* and *T. M.* were at the Time of making the ſaid Rate Church-wardens of the Pariſh of ——— aforeſaid, and that the ſaid *R. C.* and *E. R.* are at preſent Church-wardens of the ſaid Pariſh of ——— and were duely elected, ſworn and admitted into that Office; and this was and is true, publick and notorious, and well known to the ſaid *T. S.* and ſo much he doth believe in his Conſcience to be true; and the Party Proponent doth propound and alledge as before.

5. That the ſaid *T. S.* hath been ſeveral Times requeſted and deſired to pay the ſaid Sum of ——— ſo rated and aſſeſſed upon him as aforeſaid, to the ſaid *C. H.* and *T. M.* notwithſtanding which the ſaid *T. S.* did, and at preſent doth refuſe and neglect to pay the ſame; and the Party Proponent doth propound and alledge as before.

6. That the aforeſaid *T. S.* was and is of the Pariſh of —— in the County of ——— and Dioceſe of ——— and thereby ſubject to the Juriſdiction of this Court; and the Party Proponent doth propound and alledge as before.

7. That the ſaid *R. C.* and *E. R.* the preſent Church-wardens of the ſaid Pariſh of —— have rightly and duely complained of the Premiſſes to you the Vicar General and Official Principal aforeſaid, and to this Court; and the Party Proponent doth propound and alledge as before.

8. That

8. That all and ſingular the Premiſſes aforeſaid were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be done to him and his Parties in the Premiſſes, and that the ſaid *T. S.* be condemned in the Payment of the ſaid Sum of —— ſo rated and aſſeſſed upon him as aforeſaid, as alſo to be condemned in the Coſts made and to be made in this Cauſe, by and on the Part and Behalf of his ſaid Parties, and to be compelled to the due Payment thereof by you, and your definitive Sentence or final Decree to be given therein, and further to do and decree in the Premiſſes what ſhall be lawful in this Behalf, not obliging himſelf to prove all and ſingular the Premiſſes, or to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit, humbly imploring the Aid of your Office in this Behalf.

A Monition for a Clergyman to behave better in his Miniſterial Office.

E. By Divine Permiſſion Lord Biſhop of —— To all and ſingular Clerks and literate Perſons whomſoever and whereſoever in and throughout our Dioceſe of —— Greeting: Whereas the Worſhipful *H. H.* Doctor of Laws, (*here inſert the Title of the Judge*) of our —— Court of —— lawfully appointed, rightly and duely proceeding in a certain Cauſe of Office lately depending before him in the ſaid Court, promoted by *J. C.* Gentleman, againſt the Reverend *R. S.* Clerk, Rector of the Pariſh Church of —— in the County of —— for Neglect of his Miniſterial Office, and for other Crimes and Offences committed by him, hath by his Interlocutory Decree, at the Prayer of the Proctor of the ſaid *J. C.* decreed the ſaid *R. S.* to be moniſhed to behave himſelf in his Miniſterial Office, and do his Paſtoral Duty in a better Manner for the future; we therefore authorize and ſtrictly injoin and command you jointly and ſeverally to moniſh, or cauſe to be moniſhed peremptorily, the aforeſaid *R. S.* to behave himſelf in his Miniſterial Office, and do his Paſtoral Duty in a better Manner for the future, under Pain of the Law and Contempt thereof; and what you ſhall do in the Premiſſes you ſhall duely certify our ſaid —— his Surrogate or ſome other competent Judge in this Behalf, together with

with theſe Preſents. *Dated* the —— Day of —— in the Year of our Lord ——

Articles promoted againſt a Clergyman for Fornication and other Enormities.

IN the Name of God, *Amen:* We *H.* by Divine Permiſſion Lord Biſhop of —— To you *A. B.* Clerk, Vicar of the Vicarage and Pariſh Church of ——— in the County of —— within our Dioceſe of —— all and every the ſeveral Poſitions or Articles here underwritten, concerning your Soul's Health, and the Reformation of your Manners and Exceſſes, and more eſpecially the Crimes of Adultery, Fornication or Incontinency, Drunkenneſs and Neglect of your Miniſterial Duty, as being Vicar of the ſaid Pariſh, and other enormous Crimes and Offences, by Virtue of our Office, at the Promotion of *C. D.* Eſq; of the Pariſh of —— aforeſaid, to be objected and adminiſtred, do offer, object and article as follow, *viz.*

1. We article and object to you the ſaid *A. B.* that for theſe —— or at leaſt —— Years laſt paſt, you have been a Miniſter in holy Orders, and Vicar of the Vicarage and Pariſh Church of —— aforeſaid, and for and as ſuch were and are commonly accounted, reputed and taken to be; and we article and object of any other Time, as ſhall appear from the Proofs made and to be made in this Cauſe, and of every Thing elſe jointly and ſeverally.

2. Alſo we article and object to you the ſaid *A. B.* that you know, believe, or for a long Time have heard, that all and every Clerks who perpetrate or commit the reſpective Crimes of Adultery, Fornication or Incontinency, Drunkenneſs, and other Crimes of Impiety, or the enormous Crimes or Offences mentioned and ſet forth in the ſeveral Articles following, or have been notoriouſly noted, ſuſpected or made infamous by reaſon of the ſame, are and ought to be duely and canonically puniſhed and corrected according to the Exigency of the Law; and we article and object as above.

3. Alſo we article and object to you the ſaid *A. B.* that about ——— Years ſince, to wit, in or about the Month of —— in the Year of our Lord —— you called over or invited one *C. E.* (then *C. C.* Spinſter) together with one *F. G.* to drink a Bottle of Wine with you at your Vicarage Houſe at ——— aforeſaid, and then ſent the ſaid *F. G.* home to her Houſe to fetch Milk to make a Sillabub, and in the mean Time you uſed and offered ſeveral indecent and rude Actions to the ſaid *C. E.* and particularly you (*here the ſeveral particular Indecencies were recited*) and attempted or endeavoured to debauch her, and have the carnal Knowledge of her Body, but ſhe reſiſted and oppoſed ſuch your wicked Attempts, and then tore your Gown Sleeve, and made her Eſcape from you thro' the back Door and over the Pales; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh of ——— and

other adjacent Pariſhes; and we article and object of any other Time and Place, and as above.

4. Alſo we article and object to you the ſaid *A. B.* that in or about the Month of ——— being the Time you baptized *M. G.* Daughter of *T. G.* of the Pariſh of ——— aforeſaid, you were drunk, or much diſordered with Liquor, and did then by your rude and laſcivious Kiſſes, and obſcene and immodeſt Diſcourſes, give great Scandal and Offence to the Women and others then preſent, and then followed one of the Women, namely *M. R.* otherwiſe *M.* now the Wife of *S. R.* into a private Place, and attempted to debauch and have the carnal Knowledge of her Body, and thereof ſhe ſhortly afterwards complained to ſeveral Perſons, and particularly to the Wife of the ſaid *T. G.* and others; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object of any other Time and Place, and as above.

5. Alſo we article and object to you the ſaid *A. B.* that in or about the Month of ——— you uſed and offered ſeveral unchaſte and indecent Actions to *P. B.* otherwiſe *R.* (now the Wife of *B. B.*) of the aforeſaid Pariſh, who was then a Spinſter, and particularly once you (*here the ſeveral Indecencies were particularly deſcribed*) and ſhe thereupon ſtruggled with you, and kicked up your Heels, and threw you down flat upon the Floor, and then ran from you; and at another Time in the ſaid Year in the

the Evening next before the ſaid *P.* was married to her ſaid Husband, you coming into the Room where ſhe was alone, made her ſit down by you, and then by force (*here the ſeveral indecent Actions were mentioned*) and ſhe then ſtruggling with you, and calling out for Help, you took her by the Throat, and pinched her ſo hard with your Hand that ſhe could ſcarce Breath, and bruiſed and made her Throat black in ſeveral Places, which Bruiſes, and the Impreſſions of your Fingers about her Throat, were ſeen and obſerved by ſeveral Perſons the next Day; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object of any other Time and Place, and as before.

6. Alſo we article and object to you the ſaid *A. B.* that you not having the Fear of God before your Eyes, but being ſeduced by the Devil and your own carnal Luſts, did ſeveral Times in the Year —— endeavour and attempt to debauch and commit the Crime of Adultery, Fornication or Incontinency with *J. N.* Wife of *K. N.* of the Pariſh of —— in the Vicarage Houſe within the ſaid Pariſh, and then uſed ſeveral Arguments to perſuade and induce her to conſent thereto, and particularly told her that it would be no Sin, and that if it was ever ſo great a Sin, God would forgive it upon her repenting thereof, or to that Effect; and at one of the ſaid Times you offered her a black Gown, and at another Time a Shirt, and ſeveral other

Things, upon Condition ſhe would let you have the carnal Knowledge of her Body, and at or about the Time aforeſaid you pulled out your (*here the ſeveral indecent Actions and Obſcenities were recited without Reſerve*) and then had the carnal Knowledge of her Body; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object of any other Time and Place, and as before.

7. Alſo we article and object to you the ſaid *A. B.* that in the Year ——— you ſeveral Times attempted and endeavoured to debauch and have the carnal Knowledge of the Body of *S. E.* your Domeſtick Servant, and at one of the ſaid Times ſhe the ſaid *S. E.* having by your Order brought to you whilſt you were in Bed a clean Shirt to put on, you ordered her to put it on for you, which ſhe refuſing, and then throwing your ſaid Shirt down upon your Bed, you catched hold of her Coats, and by Force threw or pulled her upon your Bed, and run your Hands up her Coats, and uſed and offered ſeveral other rude and indecent Actions to her, and attempted and endeavoured to lie with her, and have the carnal Knowledge of her Body, but ſhe reſiſted and oppoſed ſuch your wicked Attempts, and got from you by Force, and ſhe ſhortly afterwards complaining thereof to ſome of your Neighbours, you thereupon threw a Stone Pot and other Things at her Head, and ſwore you would ſplit her Skull; and this

this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object of any other Time and Place, and as before.

8. Alſo we article and object to you the ſaid *A. B.* that in or about the Year —— you being together with one *M. A.* (the Wife of *J. A.*) in a Stage-Coach between —— and —— in the County of —— you there uſed and offered ſeveral rude and indecent Actions to her, and particularly you laid your Hand twice above her Knee, and ſaid, here is good Fleſh; and ſhe then ſhoving your Hand off, you rudely pulled out your (*here the ſeveral immodeſt Words and Geſtures were mentioned*) and endeavoured and attempted to debauch her, and have the carnal Knowledge of her Body, and after ſhe had reſiſted and ſtrove with you till ſhe was almoſt out of Breath, ſhe was forced to call to the Coachman to ſtop his Coach, and threatened to jump out of it if he did not ſtop it, whereupon you the ſaid *A. B.* quitted the ſaid Coach, and there left the ſaid *M. A.* and this was and is true, publick and notorious; and we article and object of any other Time, and as before.

9. Alſo we article and object to you the ſaid *A. B.* that you have ſeveral Times in the reſpective Years ——— or in ſome or one of the ſaid Years, attempted the Chaſtity, and endeavoured to debauch and have the carnal Knowledge of the Bodies of ſeveral Women, and more particularly of *L. E.* (the Wife of *R. E.*) in or about ——

and of *S. A.* (the Wife of *F. A.*) in the ſame Year, and have uſed ſeveral Arguments and Means to perſuade them to commit the Crime of Adultery, Fornication or Incontinency with you, but they always oppoſed and reſiſted ſuch your wicked Attempts; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh; and we article and object of any other Time and Place, and as before.

10. Alſo we article and object to you the ſaid *A. B.* that you have within the reſpective Years ——— been much addicted to exceſſive Drinking, and have been ſeveral Times ſo very drunk that you were not able to ſit on Horſeback, or to walk, and hath ſeveral Times fallen from off your Horſe, and ſometimes into Ditches, and been there in Danger of being ſtifled and loſt, and particularly on or about the —— Day of —— you were ſo very drunk that you fell from off your Horſe in the Highway betwixt —— and —— being then not able either to ſpeak or ſtand, and have ſeveral Times been carried or led home drunk to your ſaid Vicarage Houſe, and to other Places, and by reaſon of your exceſſive Drunkenneſs you have vomited and befouled yourſelf, and particularly at ——— on the —— Day of —— in the Year —— where you ſtayed all or moſt Part of the Night drinking, and whilſt you have been ſo drunk you have entered into ſome of your Pariſhioners Houſes, and particularly the Houſe of *R. A.* where you have ſwore

ſeveral

ſeveral Oaths, and there behaved yourſelf rudely, and very much abuſed them; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object of any other Time and Place, and as before.

11. Alſo we article and object to you the ſaid *A. B.* that you have within the reſpective Years aforeſaid, and more particularly at the ſeveral Times of being drunk, as aforeſaid, uttered and expreſſed ſeveral execrable and horrible Curſes and Oaths, and been very prophane and lewd in your Diſcourſe, and have by your Diſcourſe and Arguments endeavoured to vindicate and defend your Lewdneſs and Drunkenneſs, and in your Diſcourſe at the Chriſtening of *E.* the Daughter of *S. L.* which was on or about the —— Day of —— you quoted ſeveral Texts of Scripture, and particularly the firſt of *Corinthians* the 9th Chapter and the third, fourth and fifth Verſes, as an Argument for your Drunkenneſs, Lewdneſs and Debauchery; and we article and object of any other Time, and as before.

12. Alſo we article and object to you the ſaid *A. B.* that within the Time aforeſaid, and more particularly in the Years ——— you have ſeveral Times come home to your ſaid Vicarage Houſe, and other Places within the ſaid Pariſh, very much diſguiſed or diſordered with Drink, and have then, without any Manner of Cauſe or Provocation, been very paſſionate and outragious, and ſwore at, and curſed and damned

your Servants and others; and this was and is true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object of any other Time and Place, and as above.

13. Alſo we article and object to you the ſaid *A. B.* that during the Time you have been Vicar of the ſaid Pariſh, and more particularly in the reſpective Years ——— you have very much neglected your Office and Miniſterial Duty in the ſaid Pariſh, and refuſed or neglected to baptize ſeveral Children who have been very ſick, and died without Baptiſm, and particularly a Child of *M. T.* another Child of one *J. T.* of your Pariſh, and alſo refuſed or neglected to adminiſter the Holy Sacrament of the Lord's Supper to ſeveral of your Pariſhioners who have been at the Point of Death, or very ill, and deſired the ſame, and particularly to *E. N.* who died in the Month of —— diſcontented for want of Receiving the ſaid Sacrament, and refuſed to leave your Play at Nine Pins at an Alehouſe to bury a Child; and we article and object of any other Time, and as above.

14. Alſo we article and object to you the ſaid *A. B.* that you have within the reſpective Years in the next precedent Article mentioned neglected to enter in the Regiſter Book of the ſaid Pariſh the Baptiſm of ſeveral Children who were baptized by yourſelf, namely *P. C.* the Daughter of *W. C.* *M. O.* the Daughter of *T. O.* and ſeveral of the Children of *J. R.* and you have

have alſo regiſtred the Baptiſm and Names of ſeveral Children falſly, and particularly one by the Name of *J.* as being the Son of the ſaid *J. R.* tho' he never had any Son, and regiſter'd ſeveral without their Chriſtian Names, only as the Children of ſuch and ſuch Perſons, and particularly the Son of *J. D.* and the Daughter of *S. M.* who were baptized by you in the Year ——— and you have alſo baptized ſeveral Children without Godfathers and Godmothers, and particularly *D.* the Son of *J. T.* of the ſaid Pariſh; and we article and object of any other Time, and as before.

15. Alſo we article and object to you the ſaid *A. B.* that by your wicked Life and Converſation, and the notorious Crimes committed by you as aforeſaid, you have given ſuch great Scandal and Offence to the beſt and moſt ſober Part of your Pariſhioners, that ſeveral of them have abſented themſelves thereupon from their Pariſh Church, and gone to other Churches, and particularly *J. G. T. B. N. N. M. L.* and ſeveral others, and thereof there was and is a publick Voice, Fame and Report within the ſaid Pariſh and other adjacent Pariſhes; and we article and object as above.

16. Alſo we article and object to you the ſaid *A. B.* that for your enormous Crimes, Impiety, Miſdemeanors and Neglects aforeſaid, you ought to be canonically corrected and puniſhed; and we article and object as above.

17. Alſo we article and object to you the ſaid *A. B.* that you are of the Dioceſe of ——— and by reaſon of the Premiſſes ſubject

ject to the Juriſdiction of this Court; and we article and object as above.

18. Alſo we article and object to you the ſaid *A. B.* that the ſaid *C. D.* Eſq; the Party Agent in this Cauſe, hath rightly and duely complained of the Premiſſes to us the Judge aforeſaid, and to this Court; and we article and object as above.

19. Alſo we article and object to you the ſaid *A. B.* that all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proof being made to us the Judge aforeſaid, and to this Court, we will that you the aforeſaid *A. B.* be duely corrected and puniſhed according to the Exigency of the Law, and alſo be condemned in the Coſts of this Suit, made and to be made in this Cauſe, by and on the Part and Behalf of the ſaid *C. D.* Eſq; and compelled to the due Payment thereof to him or his Party by our definitive Sentence or final Decree to be given in this Cauſe, and further to do, ordain and decree in the Premiſſes what ſhall be lawful in this Behalf, all and ſingular which Premiſſes we propound and will to be done jointly and ſeverally, not obliging us, nor the Promoter in this Cauſe, to prove all and ſingular the Premiſſes, nor to the Burden of a ſuperfluous Proof, againſt which the Party Proponent proteſts; and ſaving always to himſelf all Benefit of Law, prays that ſo far as he ſhall prove in the Premiſſes, ſo far he may obtain in this his Suit,

Suit, humbly imploring the Aid of our Office in this Behalf.

A Libel in a Cauſe of Tithes.

IN the Name of God, *Amen*: Before you the Worſhipful *H. H.* Doctor of Laws, Vicar General of the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of——— and Official Principal of his —— Court of —— lawfully appointed your Surrogate, or ſome other competent Judge, the Proctor of the Reverend *T. W.* Clerk, Maſter of Arts, Vicar of the Vicarage and Pariſh Church of —— in the County of —— and Dioceſe of —— againſt *J. B.* of the Pariſh, County and Dioceſe aforeſaid, and againſt any other Perſon or Perſons whomſoever, lawfully intervening or appearing for him in Judgment by way of Complaint, and thereby complaining unto you in this Behalf, doth ſay, alledge, and in Law propound articulately as follows, that is to ſay,

1. That the aforeſaid *T. W.* Clerk, in or about the Month of——laſt paſt was duely and lawfully inſtituted and inducted in and to the Vicarage of the Pariſh Church of — in the County of —— aforeſaid, with all the Rights, Members and Appurtenances to the ſame belonging and appertaining, and for and as Vicar of the Pariſh Church aforeſaid, he hath been, was and now is commonly accounted, reputed and taken to be; and the Party Proponent doth propound and alledge every Thing in this Article

ticle contained jointly and ſeverally, and doth alſo propound and alledge of any other Time and Place as ſhall appear from the Proofs to be made in this Cauſe.

2. That the Right of receiving, taking and having the Tithes, Offerings, Oblations, Obventions, Profits and other Eccleſiaſtical Rights and Emoluments within the Bounds, Limits and Tithable Places of the Vicarage and Pariſh Church of —— aforeſaid, proceeding, increaſing and happening, and eſpecially the Tithes and Eccleſiaſtical Rights mentioned in the Schedule hereunto annexed, (which Schedule the Party Proponent prays may be here read and inſerted, and to which the ſaid Party Proponent doth refer) by Law have appertained and belonged to the Vicar of the ſaid Pariſh and Pariſh Church aforeſaid for the Time, and do belong and appertain to the aforeſaid *T. W.* Clerk, now Vicar of the ſaid Vicarage, and ſo ought for the future to appertain and belong; and the Party Proponent doth alledge concerning any other Tithes and Eccleſiaſtical Rights as ſhall appear from the Proofs to be made in this Cauſe, and as before.

3. That notwithſtanding the Premiſſes aforeſaid, the ſaid *J. B.* in the Year and Months in the firſt Article mentioned, or ſome or one of them, all and ſingular the Tithes, Offerings, Obventions and other Eccleſiaſtical Rights and Emoluments mentioned and ſpecified in the Schedule annexed to theſe Preſents (which Schedule the Party Proponent prays may be here read and inſerted) forth-coming, growing and

and happening, all or ſome of them, within the Pariſh of ——— aforeſaid, and the tithable Places of the ſaid Pariſh, either by himſelf or ſome Perſons belonging to him, hath received, held and poſſeſſed, and hath had and applied the ſame to his own Uſe without Compenſation or Compoſition with the ſaid *T. W.* for the ſame; and the Party Proponent doth alledge concerning any other Eccleſiaſtical Tithes, Rights and Emoluments, as ſhall appear from the Proofs to be made in this Cauſe, and as before.

4. That the true Value of the Tithes and other Eccleſiaſtical Rights or Emoluments by the aforeſaid *J. B.* as before ſet forth, taken, held and occupied, hath been and is (as in the ſaid Schedule annexed is ſpecified and contained) in the common Eſtimation of Men worth at leaſt the Sum of —— as in the ſaid Schedule is ſet forth; and the Party Proponent doth alledge as before.

5. That the aforeſaid *J. B.* hath been often, or at leaſt once, asked and requeſted to pay, give and deliver to the aforeſaid *T. W.* or his Proctor for his Uſe, the ſaid Tithes, and other Eccleſiaſtical Rights and Emoluments mentioned in the aforeſaid Schedule, or the Value thereof, or to compound with the ſaid *T. W.* for the ſame; notwithſtanding the Premiſſes at preſent, he refuſes and defers ſo to do, and he doth alledge as before.

6. That the aforeſaid *J. B.* was and is of the Pariſh of —— in the County of —— and Dioceſe of —— and by reaſon thereof ſubject to the Juriſdiction of this Court; and

and the Party Proponent doth alledge and propound as before.

7. That of and concerning the Premiſſes it hath been and is on the Part and Behalf of the ſaid *T. W.* rightly and duely complained of to you the Vicar General and Official Principal aforeſaid, and to this Court; and the Party Proponent doth alledge as before.

8. That all and ſingular the Premiſſes aforeſaid were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proofs being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes, and the ſaid *J. B.* not only to be condemned in the aforeſaid Tithes, ſo as before ſet forth unduly carried away and not paid, but likewiſe in lawful Coſts on Behalf of the ſaid *T. W.* the Vicar aforeſaid, by reaſon of this Suit, neceſſarily made or to be made, humbly praying a Sentence or final Decree to compel the ſaid *J. B.* to pay both the ſaid Tithes and Expences, and Right and Juſtice to be done to him and his Party, by your definitive Sentence or final Decree to be given in this Cauſe; and further, *&c. as in other Libels.*

The Schedule mentioned in the aforeſaid Libel.

IN the firſt Place, that in the Year and Months mentioned in the firſt Article of the foregoing Libel, the ſaid *J. B.* had held, poſſeſſed and enjoyed ——— Acres, or at leaſt ——— Acres of Paſture Ground within the ſaid Pariſh of —— Bounds, Limits and tithable Places thereof, upon which he did Depaſture or Agiſt —— or at leaſt —— Milch-Cows, which he cauſed to be milked, and had and to his own Uſe converted the Milk of them, and the Milk of each Cow was worth for the whole Year the Sum of —— the Tithe of which Milk worth and due accordingly; and the Party Proponent doth alledge any other Number of Acres and Cattle, either greater or leſſer, and whatſoever other Quantity, Quality or Sum of Money Libellate, either greater or leſſer, and of ſuch like, and how great Quantity, Quality or Sum, as by the Confeſſion of the adverſe Party, or other lawful Proofs in the Event of this Suit, ſhall appear; and the Party Proponent doth alledge as before.

Of

Of Pluralities and Diſpenſations of them according to the Statute of 21 H. 8. *alſo of Retainder of Chaplains, how many Chaplains Noblemen and Officers of Honour and Place may retain; what ſhall be a good Retainder for a Chaplain, and where Diſpenſation granted to ſuch Chaplain for Plurality ſhall be good, where not.*

WHAT Perſons are capable of Pluralities, and what to grant them at this Day, and what not, appears by the Statute of 21 *H.* 8. *cap.* 13.

The King, Queen, Prince, and other the King's Children, are not limited within the Statute how many Chaplains they ſhall retain, and therefore they may retain as many Chaplains as they pleaſe. Archbiſhops, Biſhops, Dukes, Marqueſſes, Earls, Counteſſes, Barons, and all other Officers of Honour and Dignity mentioned in the Statute, are ſtinted how many Chaplains every of them may retain who are capable to have Plurality; and the Qualifications of ſuch their Chaplains muſt be *ſub Signo & Sigillo* of the ſaid King, Lord, *&c.* otherwiſe the ſame is not good, as it was reſolved 28 *Eliz.* in *Savacre's* Caſe.

Coke 4 *Part*, 30. *Drurie's* Caſe.

A Counteſs may retain two Chaplains within the Statute, and each of them may purchaſe Diſpenſation to have and hold

two Benefices with Cure of Souls; but if a Counteſs, who is a Widow, doth retain two Chaplains, and afterwards doth retain a third Chaplain, and the third Chaplain doth, before any of the other two, purchaſe a Diſpenſation to hold two Benefices with Cure, his firſt Benefice being of the clear Value of 8 *l.* the firſt Benefice is void by the Statute; for that when the Counteſs hath retained two Chaplains, thoſe two are only capable of Diſpenſation within the Statute, and the Retainer of the third Chaplain cannot deveſt the Capacity of Diſpenſation which was veſted by their Retainer in the two firſt Chaplains; and therefore the Diſpenſation purchaſed by the third Chaplain is void, and comes too late to make him capable of Plurality, and ſo his firſt Benefice is void by the Statute.

If a Baron, who is allowed but three Chaplains, doth retain ſix by his Letters Teſtimonial under his Hand and Seal at one Time, and all ſix of them are prefer'd to ſix ſeveral Pluralities, the three firſt Chaplains are only warranted by the Statute, and Diſpenſation for Pluralities purchaſed by them, to be good; and the three laſt ſhall not be reputed his Chaplains within the Statute ſo long as the firſt three are in his Service, or are living; and therefore the Purchaſe of Diſpenſation by the three laſt for Pluralities is merely void. *18 Eliz. Dyer 3. c. 80.*

If a Baron doth retain three Chaplains according to the Statute, and each of them purchaſeth a Diſpenſation for Plurality, and are advanced according to the Statute, if *4 Co. 9. Vide Paſc. 29 El. C. B. Savacre's* Caſe.

4 Co. 90. Paſc. 28 El. in Co. B. Rot. 1130. Savacre's Caſe *acc.*

the Baron afterwards diſchargeth one of them of his Service, he cannot retain another during the Life of him that is diſcharged, for then the Statute ſhould be defrauded, and he might advance Chaplains without Number.

4 *Co.* 118. *Action*'s Caſe.

If a Counteſs that is a Widow doth retain a Chaplain, and he purchaſeth a Diſpenſation for Plurality, and afterwards the Counteſs intermarrieth with a Peer of the Realm, and afterwards the Chaplain is admitted, inſtituted and inducted into a ſecond Benefice with Cure, this is well and good in Law, for that the Retainer was not countermanded by the Intermarriage; but if an Earl or Baron retaineth a Chaplain, and before he be advanced unto any Benefice, the Earl or Baron be attainted, now is the Retainer thereby determined before the Diſpenſation obtained; and therefore if ſuch a Parſon, having a Benefice, with Cure of Souls, of the Value of 8 *l. per Ann.* doth afterwards, without other Diſpenſation obtained, take another Benefice, the firſt Benefice is void by the Statute.

4 *Co.* 119. The Counteſs of *Weſtmorland*'s Caſe.

The Statute of 21 *H.* 8. *cap.* 13. ſhall be conſtrued largely againſt Pluralities, as being prejudicial to the Service of God, and the Inſtruction of the People; and therefore if a Biſhop be tranſlated and made an Archbiſhop, and holdeth both Dignities, or a Baron be created an Earl, altho' he hath both the Dignities and Honours conjoined in one Perſon, yet ſhall he have but ſo many Chaplains as an Archbiſhop or Earl may have, who ſhall be capable of Diſpenſation

ſation to have two Benefices with Cure, within the Statute.

If a Man, long before the making of the Statute of 21 *H.* 8. hath a Diſpenſation from the Pope for a Plurality, and at the Time of the making of the Statute of 21 *H.* 8. hath one Benefice, with Cure of Souls, of the yearly Value of 8 *l. per Ann.* and within one Year after the making of the Statute of 28 *H.* 8. *cap.* 16. he obtaineth a Confirmation of his former Diſpenſation, with Words in the Confirmation (to hold, uſe and enjoy the Effect of the Diſpenſation;) yet by the Opinions of *Mounſon* and *Manwood* Juſtices, the firſt Benefice is void by the Statute of 21 *H.* 8. and the Statute of 28 *H.* 8. *cap.* 16. doth not reſtore him to the ſame, without a new Preſentation, notwithſtanding that the Statute of 28 *H.* 8. made the Bulls of Diſpenſation, made by the Pope, good for one Year; and if they be ſurrendred, that the Chancellor of the Augmentation may make a new Diſpenſation unto him. But by *Dyer* Juſtice, as the Statute of 21 *H.* 8. made the firſt Benefice void, ſo the Statute of 28 *H.* 8. *cap.* 16. did not reſtore him to the Benefice; for when two Statutes are croſs in Appearance the one to the other, and no Clauſe of *Non obſtante* be contained in the ſecond Statute, ſo that the one may ſtand with the other, ſuch Conſtructions ſhall be made of the Statutes, that both of them ſhall take Effect. 18 *Eliz.* *Dyer* 347.

The Statute of 21 *H.* 8. would not that there ſhould be a Parity or Equality of all Perſons in the Pale of the Church, *Nihil*

enim eſt majus inequale quam Æqualitas; and therefore the Statute provided, that ſome Miniſters and Eccleſiaſtical Perſons ſhould have Precedency of others; 1. In reſpect of the Perſons of Dignity upon whom they were Attendants; 2. In reſpect of their Births and Bloods; 3. In reſpect of their Degrees which they have taken within the two Univerſities of this Realm: And therefore firſt, every Archbiſhop may have eight Chaplains, becauſe he muſt uſe eight at the Conſecration of every Biſhop; every other Biſhop four Chaplains; every Duke, Ducheſs, Marqueſs, Earl, Counteſs, Baron, or Baroneſs Dowager, two Chaplains; every Knight of the Garter three Chaplains, and every one of their Chaplains may purchaſe a Diſpenſation to have and hold a Plurality, or two Benefices with Cure of Souls, of any Value whatſoever. So 2. The Brethren and Sons of all Temporal Lords born in Wedlock, may have Licence or Diſpenſation to take and keep as many Benefices as the Chaplains of a Duke or Archbiſhop; the Sons and Brethren of every Knight may purchaſe Diſpenſation to receive and take two Benefices with Cure of Souls. 3. In reſpect of their Degrees: So all Doctors and Bachelors of Divinity, Doctors of Laws and Bachelors of the Canon Law, who are admitted to their Degrees by the Univerſities, and not of Grace, may purchaſe Licence or Diſpenſation to have and keep two Benefices with Cure of Souls; inſomuch that if we conſider of the Nobility now in *England*, the Offices of Honour and Place,

the

the Sons and Brethren of Noblemen and Knights, and other deſerving Men within the Realm, who have taken the Degrees aforeſaid, it cannot be thought but that all, or the moſt Part of the Clergymen within the Realm of *England*, have at this Day, or may have, Plurality or two Benefices, with Cure of Souls, within the ſaid Statute of 21 *H.* 8. Again, if we look upon the Parochial Churches within the Realm, the Dignities of Archdeaconries, Deanries, Prebendaries, and other Eccleſiaſtical Dignities and Promotions given to Perſons within the Realm, it cannot be imagined but that all Scholars, Miniſters, and other Eccleſiaſtical Perſons within the Realm, of Learning and Merit, are now better provided for by this Law of 21 *H.* 8. than they were in ancient Times, when Diſpenſations for Pluralities, Commendams and Faculties were granted and obtained by the Clergy of *England* from the Biſhop of *Rome*.

An Act on appointing a Commiſſary and Sequeſtrator General.

On —— the —— Day of ——— in the Year of our Lord ——— before the Right Reverend Father in God *E.* by Divine Permiſſion Lord Biſhop of —— at —— in the Preſence of *R. R.* Notary Publick, and Principal Regiſter of the ſaid Lord Biſhop.

THE Buſineſs of conſtituting and appointing the Right Worſhipful *H. H.* Doctor of Laws, Commiſſary and Sequeſtrator General in and throughout the (*here ſpecify the Extent of the Commiſſary's Juriſdiction*) of and belonging to the Dioceſe and Juriſdiction of the ſaid Biſhop.

On which Day the ſaid Right Reverend Father in God *E.* Lord Biſhop of —— by Letters Patent under his Hand and Epiſcopal Seal, did for himſelf and his Succeſſors nominate, conſtitute and appoint the ſaid Right Worſhipful *H. H.* Doctor of Laws, Commiſſary and Sequeſtrator General in and throughout the (*here ſpecify the Extent of the Commiſſary's Juriſdiction*) of and belonging to the Dioceſe and Juriſdiction of the Biſhop of —— and the ſaid Dr. *H. H.* did thereupon, in the Preſence of the ſaid Lord Biſhop, ſubſcribe the Thirty-nine Articles of Religion, and took the Oaths of Allegiance and Supremacy, and likewiſe the

the Oath faithfully to execute the Office of Commiſſary and Sequeſtrator General aforeſaid, and by and with the Conſent of the ſaid Lord Biſhop continued all the Surrogates heretofore appointed in the ſaid Commiſſary Court, or in the Conſiſtorial and Epiſcopal Court of ———

Which I atteſt,

B. D. Notary Publick.

Inſtructions for the Execution of a Warrant from the Admiralty to arreſt a Ship.

THE Warrant muſt be executed by a Perſon who can write and read, whoſe Name muſt be firſt inſerted in the Blank left in the Beginning of the Warrant for that Purpoſe, by his going on board the Ship, and producing the Warrant to the Maſter, commanding Officer, or ſome of the Crew on board, and declaring before them that he doth by Virtue of the ſaid Warrant arreſt the ſaid Ship, her Tackle, Apparel and Furniture, at the Suit of *J. B. W. E.* and Company, late Mariners of the ſaid Ship, in an Action of ——— Pounds Sterling, and that he doth cite all Perſons in general having or pretending to have any Right, Title or Intereſt in the Premiſſes, to appear at the Time and Place, and to the Effect mentioned in the ſaid Warrant; then let him affix a Copy on the Mainmaſt and leave it there, and after ſup-

plying the Blanks in the Certificate indorſed on the Back of the Warrant, let him ſubſcribe his Name thereto, and make Oath thereof before a Maſter in Chancery, or the Mayor of the Town, and then let him return the Warrant to the Proctor at *Doctors Commons*.

Should you be apprehenſive the Maſter intends to run away with the Ship, you may take the Sails on Shore, or put a Man on board to ſecure her under the Arreſt.

A Certificate of the Service of a Warrant from the Admiralty to arreſt a Ship.

ON the —— Day of the Month of —— in the Year of our Lord ——— this Warrant was duely executed by arreſting the within-mentioned Ship the ——— (whereof *N. N.* is Maſter) her Tackle, Apparel and Furniture, lying at —— and by citing all Perſons in general, having or pretending to have any Right, Title or Intereſt therein, to appear at the Time and Place, and to the Effect within-mentioned.

P. S.

On the —— Day of —— in the Year of our Lord —— the aforeſaid *P. S.* was ſworn to the Truth of the above Certificate before me

R. R.

A Summary Petition to the Admiralty.

On —— the —— Day of —— in the Year of our Lord ——

A. *B.* late Mariner of a certain Merchant Ship called the — whereof *C. D.* is Maſter, againſt the ſaid Ship, her Apparel and Furniture, and alſo againſt the ſaid *C. D.* in a certain Cauſe of Subſtraction of Wages both Civil and Maritime.

C.

Upon which Day *C.* as lawful Proctor of the ſaid *A. B.* by all better and more effectual Ways and Means, and alſo to all Intents and Purpoſes in Law whatſoever, doth ſay, alledge, and in Law propound articulately as follows, (that is to ſay,)

1. That in the Months of —— in the Year of our Lord —— the ſaid Ship the —— whereof the ſaid *C. D.* then was and now is Maſter, being at the Port of —— and deſigned on a Voyage to ——— and from thence to —— and thence to ——— and ſo back again to the ſaid Port of —— the ſaid *C. D.* did by himſelf or Agent upon the High and open Seas, within the Ebbing and Flowing thereof, and Juriſdiction of the High Court of Admiralty of *Great Britain*, ſhip and hire the ſaid *A. B.* to ſerve as (*here mention the Office and Place the Plaintiff ſerved in on board*) on board the ſaid Ship on the ſaid Voyage, at and

and after the Rate of (*here ſpecify the Wages agreed for*) the Month, and the ſaid *A. B.* did on or about the ——— Day of —— aforeſaid go on board and enter into the Service of the ſaid Ship, and the ſaid Ship proceeded on the ſaid Voyage, and took in a Loading of ——— in ——— and then went to —— where ſhe unliver'd her ſaid Loading, and took in a Loading of —— and ſo proceeded to —— where ſhe took in ——— and then proceeded on her Homeward-bound Voyage, and ſafely arrived in —— where ſhe was ſafely moored on or about the ——— Day of ——— laſt paſt; and the ſaid *A. B.* ſerved as ——— aforeſaid on board the ſaid Ship, from the —— Day of —— aforeſaid, to the ——— Day of —— aforeſaid, being —— Months and —— Days, which amounts to the Sum of —— whereof received in Sterling Money the Sum of ——— which being deducted from the Sum of ——— there remains due to the ſaid *A. B.* the Sum of —— and the ſaid *C. D.* did take and receive of the ſaid *A. B.* twelve Green Birds or Parroquets, value ——— each, which amounts in the whole to the Sum of ——— for which the ſaid Maſter is really and truely indebted to him the ſaid *A. B.* and he the ſaid *A. B.* has not received of the ſaid Captain, or his Agent, or any other Perſon for him, any Part of the ſaid Sum of ——— due for the Birds aforeſaid; and the ſaid *A. B.* well and truely performed his Office and Duty of —— on board the ſaid Ship during all the ſaid Time, and was obedient to the lawful Commands of the Maſter thereof,

and

and well and truely deſerved the ſaid Monthly Wages, and ſo much or greater Monthly Wages than was uſually given to Perſons ſerving in ſuch Capacity in other Ships on the like Voyage; and this was and is true, and ſo much the ſaid *C. D.* hath confeſſed and acknowledged to be true; and the Party Proponent doth alledge and propound of any other Time and Place, and Salary, Wages, Sum or Sums of Money, and of every Thing elſe, as ſhall appear from the Proofs to be made in this Cauſe.

2. That all and ſingular the Premiſſes were and are true, publick and notorious, and thereof there was and is a publick Voice, Fame and Report, and of which legal Proof being made, the Party Proponent prays Right and Juſtice to be effectually adminiſtred to him and his Party in the Premiſſes, *&c.*

A Certificate to the Archbiſhop of Canterbury *to be admitted a Proctor in the Arches Court.*

To the moſt Reverend Father in God *J.* by Divine Providence Lord Archbiſhop of *Canterbury*, Primate of all *England* and Metropolitan.

THESE are moſt humbly to certify your Grace, that *R. W.* Notary Publick, ſerved *J. R.* Notary Publick, one of the Procurators General of the Arches Court of *Canterbury*, as his articled Clerk for

for the Space of ſeven Years, commencing from the ——— Day of ——— in the Year of our Lord ——— during which Time, and ever ſince, he hath behaved himſelf with Integrity and Diligence, and hath been admitted a Proctor exercent of the Conſiſtory Court of the Lord Biſhop of *London*; that he is a Perſon of a ſober Life and Converſation, well affected to his Majeſty King *George* the Second, and conformable to the Doctrine of the Church of *England* as by Law eſtabliſhed; and that we humbly conceive him to be fitly qualified to be admitted into the Number of the Procurators General of the Arches Court of *Canterbury*. *Witneſs* our Hands this ——— Day of ——— in the Year of our Lord ———

J. R.
D. D.

Articles

Articles of Agreement for a Proctor's Clerk.

Articles of Agreement indented, made, had, concluded and agreed on the—— Day of —— in the Year of our Lord —— between *R. R.* one of the Procurators General of the Arches Court of *Canterbury*, of the one Part, and *T. T.* of the Pariſh of ——— in the County of —— Gentleman, and *T. T.* his Son, of the other Part follow, (to wit,)

WHereas the ſaid *T. T.* by and with the Conſent of *T. T.* his Son aforeſaid, hath put and placed him the ſaid *T. T.* his Son with the ſaid *R. R.* to ſerve him as his Clerk from the ſaid ——— Day of —— in the Year of our Lord —— for and during the full Term of ſeven Years, from thence fully to be compleated and ended: Now the ſaid *R. R.* for and in Conſideration of the Sum of —— of good and lawful Money of *Great Britain*, in Hand paid by the ſaid *T. T.* at or before the Enſealing and Delivery of theſe Preſents, (the Receipt whereof the ſaid *R. R.* doth hereby acknowledge) and for himſelf, his Executors and Adminiſtrators, doth covenant and grant to and with the ſaid *T. T.* his Executors and Adminiſtrators, to take, and he the ſaid *R. R.* doth hereby take the ſaid *T. T.* to ſerve him as his Clerk in the ſaid Arches Court of *Canterbury*, and

and all other Eccleſiaſtical Courts in which he the ſaid R. R. doth or ſhall Practice in for and during the Term or Space of ſeven Years, to commence from the Day of the Date of theſe Preſents, and him the ſaid T. T. to employ after ſuch Cuſtom and Manner as Clerks ſerving Proctors of the ſaid Courts are uſually employed, and will during the ſaid Term teach and inſtruct the ſaid T. T. in the Profeſſion of a Clerk in the Practice of the ſaid Arches Court of *Canterbury*, and ſuch other Eccleſiaſtical Courts of this Realm that the ſaid R. R. doth or ſhall Practice in, according to his beſt Skill and Knowledge, and at the End of the ſaid Term, will to the utmoſt of his Power endeavour to procure the ſaid T. T. to be admitted a Proctor in the ſaid Courts, and during the ſaid Term of ſeven Years to find and provide for him the ſaid T. T. convenient and ſufficient Meat, Drink and Lodging.

Alſo the ſaid T. T. doth covenant, promiſe, grant and agree to and with the ſaid R. R. his Executors and Adminiſtrators, by theſe Preſents, that the ſaid T. T. ſhall and will well and truly ſerve, continue and abide with him the ſaid R. R. as his Clerk, in the Profeſſion aforeſaid, during the Term of ſeven Years, commencing from the Day of the Date of theſe Preſents as aforeſaid, and ſhall diligently obſerve, perform and obey all his lawful Commands, and ſhall not at any Time during the ſaid Term of ſeven Years, neither by Day or Night, abſent himſelf from the Service of the ſaid R. R. without the Licence, Leave

or Conſent of him the ſaid *R. R.* firſt had and obtained, and ſhall not wittingly or willingly, directly or indirectly do, or cauſe to be done, any Damage or Prejudice to the ſaid *R. R.* but to the utmoſt of his Power ſhall prevent the ſame, and give Notice thereof forthwith to the ſaid *R. R.* and ſhall ſatisfy unto the ſaid *R. R.* all ſuch Damages and Coſts as he the ſaid *R. R.* or his Clients ſhall ſuſtain by the wilful Negligence of the ſaid *T. T.* and ſhall not uſe any unlawful Games, nor haunt or frequent any debauched Houſes or debauched Companies, nor adviſe or direct any Perſon or Perſons to apply to or make uſe of any other Proctor or Perſon than the ſaid *R. R.* for Diſpatch of any Cauſe, Buſineſs or Matters whatſoever, nor do any Buſineſs of Law of any Kind whatſoever for any other Perſon, nor Practice for himſelf in the Name of the ſaid *R. R.* or otherwiſe, during the ſaid Term, without the Licence, Leave and Conſent of him the ſaid *R. R.* under his Hand firſt had and obtained by the ſaid *T. T.* and the ſaid *T. T.* ſhall not at any Time during the ſaid Term of ſeven Years purloin or waſte, miſpend or imbezil, detain or keep, any of the Monies, Goods or Chattels of the ſaid *R. R.* nor purloin, alter, deface or imbezil any of the Records or Writings with which he ſhall be intruſted by the ſaid *R. R.* or any other Perſon or Perſons for him in any wiſe belonging or remaining in his Cuſtody, or in any Regiſtry of any Court or Courts to which the ſaid *R. R.* doth belong, or hath any Relation unto, or any Wills, Bills, Bonds or

any

any Writings whatſoever, or any Sum or Sums of Money whatſoever which he ſhall be by the ſaid *R. R.* intruſted with, but ſhall and will from Time to Time, and at all Times during the ſaid Term of ſeven Year be accountable for, and give true and juſt Accounts unto the ſaid *R. R.* his Executors, Adminiſtrators or Aſſigns, of ſuch Monies, Records, Wills, Bills, Bonds, Deeds and other Writings whatſoever which ſhall be delivered to or received by the ſaid *T. T.* from the ſaid *R. R.* or any other Perſon whatſoever from him, or which remaineth, or ſhall remain any wiſe in the ſaid *T. T.*'s Cuſtody or Poſſeſſion, and belong to him the ſaid *R. R.* or any of his Friends, Acquaintance or Clients, or to any other Perſon whatſoever. *In Witneſs* whereof the Parties abovenamed to theſe preſent Articles of Agreement, their Hands and Seals interchangeably have ſet the Day and Year firſt above written.

Signed, ſealed and delivered (being firſt duely ſtamp'd) in the Preſence of us

CHAP. VI.

Caſes relating to Wills, Inteſtacies, Matrimonial Contracts, &c. with the Opinions of the moſt eminent Civilians concerning the ſame.

The Caſe of Sir Robert A. *Bart. againſt* H. *and others concerning a pretended Will.*

The Caſe.

THAT Sir *Thomas A.* Grandfather to the ſaid Sir *Robert*, by his laſt Will deviſed and bequeathed to his Daughter *C.*'s Children, (to wit,) *James*, *Alice* and *Anne C.* very conſiderable Legacies, by the Management of which they became rich, and all of them died in conſiderable Circumſtances, and as Sir *Robert*'s Grandfather was the Making and Riſe of their Family, and they all dying without Iſſue, it was but reaſonable that Sir *Robert* as their neareſt Relation, and likewiſe Heir at Law (had they died Inteſtate) ſhould expect to be provided for by the ſaid *C.*

That the ſaid *James*, *Alice* and *Anne C.* in their Life-times were very kind to the ſaid Sir *Robert A.* and the ſaid *James C.* being very ſenſible that Sir *Robert* was then in low Circumſtances (not occaſioned by his own ill Conduct or Miſmanagement, but purely by Misfortunes and great Loſſes that attended his Family) by his laſt Will left the Sum of 600 *l.* towards Payment of the ſaid Sir *Robert*'s Debts; and the ſaid *Alice* and *Anne C.* often declared in their Life-times, before credible Witneſſes, that they would give all, or moſt of what they had, to the ſaid Sir *Robert.*

That the ſaid *Alice* and *Anne C.* about twenty Years ſince hired one *M. B.* as a menial Servant, who for ſometime behaved herſelf in her Service in a very ſcandalous Manner, (which the ſaid *Alice* and *Anne C.* upon her Promiſe of Amendment were always prevailed upon to excuſe) and after ſhe had been ſometime in her ſaid Service, ſhe pretended to be married to one Mr. *P.H.* a Periwig-maker, and ſoon after the ſaid pretended Marriage the ſaid *P. H.* took a Houſe in ——— Street, and over prevailed with the ſaid *Alice* and *Anne C.* to leave the Houſe of Mr. *T.* an Apothecary, and go along with them to the ſame, where they lived about five Years, and from thence went to —— Sreet, and took along with them the ſaid *Alice* and *Anne C.* where they lived about fifteen Years, the ſaid *M. B.* otherwiſe *H.* ſtill continuing a Servant in the ſaid Family, and in all her Management very much impoſed upon the ſaid *Alice* and *Anne C.*

That

That about two Years ago the ſaid *Alice C.* died ſuddenly Inteſtate, and notwithſtanding the ſaid *James C.* the Brother was living, and had by the Statute of Diſtribution an equal Right with his Siſter *Anne* to the Effects and Aſſets of the ſaid *Alice C.* the ſaid *M. B.* otherwiſe *H.* the better to cover her Deſigns, and that ſhe might have the whole Effects of the ſaid *Alice* and *Anne C.* in her own Poſſeſſion, took Letters of Adminiſtration for the ſaid *Anne*, without the Knowledge or Conſent of the ſaid *James C.* to intitle her to the Effects of the ſaid *Alice.*

That the ſaid *Anne* was always deemed a Woman of a very weak Judgment, and eaſy to be impoſed upon, and during the Life-time of her Siſter *Alice* left the ſole Management of her Affairs to her, but ſince her Death the ſaid *M. B.* otherwiſe *H.* to the great Detriment and Prejudice of the next of Kin and Heir at Law of the ſaid *Anne C.* (had ſhe died Inteſtate) ſometime in the Year —— by her Art and Cunning prevailed upon the ſaid *Anne C.* to make a Will, whereby there was left to the ſaid Sir *Robert A.* the Sum of 200 *l.* and the like Sum to Mr. *W. C.* and the Reſt, Reſidue and Remainder of the ſaid *Anne C.*'s Eſtate (amounting to near 3000 *l.*) the ſaid *Mary* took Care to have left to herſelf, her Husband and Children.

That the ſaid *Anne C.* by reaſon of her great Age, thereupon grew very weak and feeble, and impaired in her Senſes, the ſaid *M. B.* otherwiſe *H.* by her wicked Devices took Advantage of the ſame, and on the

8th Day of *February* in the Year —— cancelled the Will beforementioned, and the ſaid *Anne C.* lying then a dying, and not capable of doing any rational Act, the ſaid *M. B.* otherwiſe *H.* brought her another Will to execute, which was accordingly done, but the very next Day, being the 9th Day of *February* in the Year —— the ſaid *M. B.* not thinking the Will of the 8th of *February* in the Year —— ſufficient for her Purpoſe, that Will was alſo cancelled; and the ſaid *M. B.* otherwiſe *H.* ſays, that the ſaid *Anne C.* tho' ſhe lay a dying, and had neither Strength of Mind or Memory, executed another Will on the 9th Day of *February* aforeſaid, in which Will ſhe leaves Sir *Robert A.* only 50 *l.* and the Sum of 100 *l.* to Mr. *W. C.* all the Reſt, Reſidue and Remainder of the ſaid *Anne C.*'s Eſtate by the ſaid Will is left to the ſaid *M. B.* otherwiſe *H.* excluſive of her preſent Huſband and his Children, as alſo of all future Husbands and their Children, and the whole is veſted in Truſtees for the ſole and ſeparate Uſe of the ſaid *M. B.* otherwiſe *H.* who has likewiſe appointed herſelf Executrix of the ſaid pretended Will.

Note; This laſt pretended Will is lodged in the Commons, but the ſaid Sir *Robert A.* having entered a Caveat, there is no Probate granted; the three ſubſcribing Witneſſes to the Will have been examined, and do poſitively depoſe that the ſaid Will was legally and duely executed in their Preſence, and that the Teſtatrix *Anne* was in her Senſes, and in every reſpect capable of making

making and executing the ſaid Will; the ſaid Witneſſes have been alſo croſs examined, and without any Variation depoſe to the ſame Effect upon Interrogatories; the Evidence of the ſubſcribing Witneſſes to the Will will be ſupported by two other Witneſſes, (to wit,) one will depoſe, that the Teſtatrix *Anne C.* was in her Senſes on the ſaid 8th of *February*, and the other will depoſe, that ſhe was in her Senſes on *Monday* the 9th of *February* aforeſaid, when the laſt pretended Will was made; but it is ſtrongly alledged, that the ſubſcribing Witneſſes have lived very baſe Lives, and bear a very vile Character.

1*ſt* Q. Whether common Fame, or any other Matter or Thing that can or may be alledged (excepting Matter of Record) will invalidate the Teſtimony of the ſubſcribing Witneſſes to the ſaid pretended Will.

A. The Character of Witneſſes may be ſo infamous by common Fame only, without Conviction of any infamous Crime, as to render their Teſtimony of very little or no Weight.

Note; That Sir *Robert A.* as next Heir at Law to the Teſtatrix *Anne C.* reſolves to litigate the ſaid pretended Will, and can produce one Evidence who was a Servant Maid to the ſaid Mrs. *H.* at the Time it is pretended the ſaid Will was executed, to wit, on *Monday* the 9th of *February* in the Year —— on which Day the ſaid *Anne C.* being childiſh, very ill, weak, and not in any reſpect capable of helping herſelf, the

ſaid Servant waited on and attended the ſaid *Anne C.* till 12 o'Clock that Night, at which Time the ſaid Mrs. *H.* came home, having been abroad the whole Day; when ſhe came to the ſaid *Anne C.*'s Bed-Chamber ſhe ordered the Servant to go to Bed; the Servant will depoſe that no Lawyer, nor any other Perſon whatſoever, brought any Will to the Houſe of Mrs. *H.* on *Monday* the 9th of *February* aforeſaid, in order to be executed by the ſaid *Anne C.* and will likewiſe depoſe, that neither the ſubſcribing Witneſſes, nor any one of them, were in the ſaid Mrs. *H.*'s Houſe on the ſaid 9th of *February*; the ſaid Evidence will alſo depoſe, that in caſe there had been a Will brought for the ſaid *Anne C.* to execute, that ſhe had neither Strength of Mind or Memory capable of executing a Will, or of doing any rational Act; Sir *Robert A.* has very ſtrong Circumſtances to ſupport the Depoſition of this Evidence.

2*d* Q. Whether one ſingle Evidence with ſtrong Circumſtances will or can invalidate the poſitive Evidence of the three ſubſcribing Witneſſes.

A. Caſes may happen where the Evidence of a ſingle Perſon may be ſo ſupported by Circumſtances, as to invalidate the Evidence of three ſubſcribing Witneſſes, and eſpecially where their Characters are bad, and thoſe who know them think them not to be believed upon their Oaths; but whether this is one of thoſe Caſes, cannot be judged of without knowing what thoſe ſtrong

ſtrong Circumſtances alledged are, and what are the Characters of the Witneſſes.

Note; Some Offers have been made to Sir *Robert A.* in order to accommodate this Affair, and as the Expence will be very great in litigating this Will in Chancery, in the Commons, and in caſe of an Appeal to the Court of Delegates, Sir *Robert A.* having but one Evidence.

3*d Q.* Whether it may not be more adviſable for Sir *Robert A.* to accept of Terms, than venture to run the Riſque of defeating the ſaid pretended Will.

A. It ſeems to me adviſable for Sir *Robert A.* to agree and end a Diſpute of this Nature rather than to run the Riſque and engage in the Expence of a Suit; but as the Queſtion upon this muſt neceſſarily be, what are the Terms proper for him to accept, that muſt again depend upon the Probability there may be of Succeſs in Caſe he purſues his legal Remedy, which I am no Judge of, for the Reaſons mentioned in the Anſwer to the laſt *Quære*, I cannot venture to adviſe Sir *Robert* any further as to this *Quære*.

A Caſe concerning a Nuncupative Will.

The Caſe.

W. *M.* mentioning that he had an Annuity of 10 *l.* a Year in the Exchequer, did by his Nuncupative Will on —— the ——— Day of —— in the Year —— in the Preſence of two Witneſſes only, give the ſaid Annuity to *R. R.* and then ſpeaking to *R. R.* in the Preſence of the ſame two Witneſſes, ſaid, I have a Bank Note of 20 *l.* in your Aunt's Hands, which I give you for Mourning.

R. R. after his Death puts herſelf in Mourning accordingly.

Q. Will this be a good Nuncupative Will as to the Bank Note for 20 *l.*

The Opinion.

The Act againſt Frauds and Perjuries directs, that no Nuncupative Will ſhall be good where the Eſtate thereby bequeathed ſhall exceed the Value of 30 *l.* that is not proved by the Oath of three Witneſſes; and no ſuch Will ſhall be proved without Proceſs to call the next of Kin, to the End that they may conteſt it if they pleaſe. *See the Clauſe.*

I am of Opinion, that the Bequeſt of the Annuity of 10 *l.* and the 20 *l.* Bank Note are both under the ſame Nuncupative Will, for the Deceaſed on the — Day of

of ——— gave the Annuity in the Preſence of two Witneſſes, and then ſpeaking before the ſame Witneſſes, gave the Note of 20 *l.* which Annuity and Note being the Eſtate bequeathed, and exceeding the Value of 30 *l.* muſt have three Witneſſes to prove it; and altho' the 20 *l.* is given for Mourning, yet it not being delivered to her by the Deceaſed in his Life-time, but bequeathed to her by Deviſe, the next of Kin may conteſt it, for all belongs to them that is not legally bequeathed, and by this Nuncupative Will before two Witneſſes only nothing can paſs.

A Caſe concerning a Will unexecuted, the Party dying ſuddenly abroad, ſuppoſed to be of the Deceaſed's Hand-writing.

The Caſe.

T. *C.* a Bachelor was Factor to the *Eaſt-India* Company, and died ſuddenly at *Carwan* in the *Eaſt-Indies*; among his Papers was found a Writing purporting a Will, ſuppoſed to have been all his own Hand-writing; the Company have taken the Effects of the ſaid *T. C.* into their Cuſtody to ſecure them for thoſe that ſhould make out any Title to them, and to pay the ſaid *T. C.*'s Debts, as is uſual when any of the ſaid Company's Factors ſhould happen to die in thoſe Countries; the Father of the ſaid

ſaid *T. C.* has taken out Adminiſtration to him.

1*ſt* Q. Whether ſuch Will can be proved in the Eccleſiaſtical Court, in regard there was no Body preſent when it was writ, and there can be no Proof of it but Similitude of Hands, and it appears to be only Part of a Will, and not an intire one, and was neither ſigned, ſealed, atteſted or delivered.

2*d* Q. If the Eccleſiaſtical Court ſhould proceed to prove the ſaid Will, whether the Common Law Courts will not ſend a Prohibition, becauſe there are no Executors named in it, and therefore to be taken as a Nuncupative Will, as in *Curſon's Office of Executors, fol.* 3, 7, 8. and void by the Statute of Frauds, being not proved by the Oaths of three Witneſſes that were preſent at the making thereof, nor in the laſt Sickneſs of the Teſtator, *&c.* as is required by that Act.

3*d* Q. If the *Eaſt-India* Company may not with Safety deliver the Effects of the ſaid *T. C.* to the Adminiſtrator, tho' they have ſuch Will or Writing in their Cuſtody, and if they refuſe to deliver them, what Method muſt be taken to oblige them to do it.

4*th* Q. Whether the Adminiſtrator can diſpoſe of his Intereſt in the Inteſtate's Eſtate in the Hands of the ſaid Company, until he can get it in his Poſſeſſion.

5*th* Q. Whether the Copy of the ſaid Will or Writing, as it is now produced upon ſufficient Proof, that it is a true Copy from

from the Original, which is at preſent at *Carnar*, will be allowed to be proved in the Eccleſiaſtical Court, and made uſe of as an Original.

The Opinion.

1. I have conſidered the Caſe above ſtated, and am of Opinion that the Will may be proved in the Eccleſiaſtical Court, upon proper Evidence of its being all of the Deceaſed's own Hand-writing, and being found after his Death among his Papers of Moment and Concern; and altho' it be neither finiſhed, ſigned, ſealed, atteſted nor delivered, yet that will be no Hindrance why it ſhould not operate as a Teſtamentary Schedule, in Relation to the Perſonal Eſtate for carrying ſuch Legacies as are therein bequeathed.

2. The Eccleſiaſtical Court being allowed to have the proper Cognizance of Wills, there is no Ground to ſuppoſe that the Courts of Common Law will prohibit the Eccleſiaſtical Court to proceed in this Caſe, the Will in Queſtion being a written Will, does not come under the Qualifications which are preſcribed by the Statute of Frauds in Relation to Nuncupative Wills.

3. I am of Opinion, that whilſt the Father of the Deceaſed is in Poſſeſſion of an Adminiſtration, he may warrantably call for the Effects of the Deceaſed, and the *Eaſt-India* Company may ſafely deliver them; he has a lawful Authority to bring his Action in the Courts of Common Law for the Recovery of them.

4. I

4. I am of Opinion, that the Adminiſtrator cannot aſſign over his Intereſt in the Effects belonging to the Inteſtate's Eſtate, which are in the Hands of the Company, the ſame being a Thing in Action, and uncertain what they amount to.

5. I am of Opinion, that the Copy of the ſaid Will being atteſted only by private Perſons, is not ſuch a Copy as ought to be propounded in the Eccleſiaſtical Court, and that the Copy to be propounded there ought to be an authentick Copy under the publick Seal of the Government, or ſome publick Magiſtrate of the Place.

A Caſe concerning a Will unexecuted, with Teſtamentary Schedules.

The Caſe.

M. *A.* (Wife of *F. A.* Eſq;) having a Power (as recited in a Will marked N° 1.) on or about the Month of — in the Year —— gave Directions and Inſtructions to *W. G.* Eſq; to make her Will, who purſuant thereto drew the ſaid Will, marked N° 1. and ſent the ſame to her, together with a Letter marked N° 2.

Mrs. *A.* kept the ſame by her unexecuted till — being five Years, in which Space of Time her Daughter *E. W.* (then the Wife of *T. W.* Eſq;) died, whereupon ſhe wrote a Letter N° 3. to Mr. *B.* an Attorney at —— in the County of ——— and ſent the ſame to him with the ſaid Will marked N° 1.

Mr.

Mr. *B.* according to the Directions in the ſaid Letter, marked N° 3. drew and wrote the Will marked N° 4. and carried the ſame to the ſaid Mrs. *A.* in order to execute it, but when he came he found her inſenſible and incapable to execute it, and ſo continued to the Time of her Death.

Q. Whether the Letter N° 3. with the other Circumſtances aboveſaid, will ſupport either, and which of the ſaid Wills, and what are the proper Steps to be taken effectually to propound the ſame.

The Opinion.

Where a Perſon deſigning to make a Will gives Inſtructions, which are reduced into Writing, but it is prevented by Death from executing it, the Inſtructions may be pronounced for, Execution or Signing not being neceſſary; and in the preſent Caſe I am of Opinion, that the Draught made by Mr. *G.* together with the Letter of Inſtructions to Mr. *B.* may be propounded together, and ſupported as Teſtamentary Schedules, containing the laſt Will of the Deceaſed, for there is from N° 3. a Certainty of Intention that the firſt Draught ſhould ſtand, excepting the Alterations as are therein directed.

As the Draught made by Mr. *B.* has ſome Variation from thoſe Inſtructions, not only as to the Payment of the Grandchildrens intended Legacies in Caſe of their Death to the Executors, ſhe had left of her Eſtate (whereby it may be preſumed ſhe intended the

the Truſtees in her Will) which is immaterial, ſhe dying without the Blanks being filled up; but likewiſe as to the 50 *l. per Ann.* in Lieu of Intereſt of the Legacies given to her Children *Charles* and *Charlotte*, which in the Draught is made to *Charlotte* only, whereas by the former it was to each of her Children till their ſeveral Shares became payable, which never having been read over to or approved of by her, it may not be ſo ſecure to proceed upon.

The Facts relating to the Will may be pleaded in the Manner here ſet forth in the Caſe, or if the Husband be conſenting to take Adminiſtration therewith, it may be granted to him in common Form, upon Affidavits made by Mr. *G.* and Mr. *B.* if they are acquainted with her Hand, otherwiſe there muſt be two others to prove that N° 3. is her Hand-writing; if the Huſband is unwilling, the Brother may call him to ſee the Will proved by Witneſſes, and to accept or refuſe Adminiſtration with the Will or Teſtamentary Schedule annexed.

A Caſe wherein a Teſtator deviſes a Legacy to two of his Grandchildren when three were living.

The Caſe.

T. *P.* the Elder of —— in the County of —— Yeoman, deceaſed, in and by his laſt Will and Teſtament, bearing Date the —— Day of —— in the Year —— did give and bequeath unto two of the Sons of *T. B.* the Sum of 30 *l.* a-piece in the following Words: *Item*, I give unto *T. B.*'s two Sons the Sum of 30 *l.* a-piece of like lawful Money.

The ſaid *T. B.* who married the Daughter of the ſaid Teſtator, had at the Time of making the ſaid Will three Sons, Grandſons of the ſaid Deceaſed, who are all now living, and well known and equally reſpected by the ſaid Teſtator.

J. P. the Son of the ſaid Deceaſed, and ſole Executor named in the ſaid Will, hath proved the ſaid Will, and poſſeſſed himſelf of the Goods, *&c.* of the ſaid Deceaſed, which are ſufficient to pay his Debts and Legacies, but being doubtful to which of the two Sons of the ſaid *T. B.* the ſaid Legacies given as aforeſaid were due, hath delayed Payment thereof, ſo that the ſaid *T. B.* being elected and aſſigned Guardian to *T. B.* his eldeſt Son a Minor above fourteen, but under Twenty-one Years of Age, and aſſigned Guardian to *J. B.* his ſecond Son

Son under fourteen Years of Age, hath at the ſame Time brought two different Actions againſt the ſaid Executor for the ſaid Legacies, one as Guardian to *T. B.* and the other as Guardian of *J. B.*

Q. Is the Executor liable to the Payment of the ſaid Legacies to the ſaid *T. B.* the Father for the Uſe of his two eldeſt Sons, with Coſts of Suit in the two Cauſes, or either, and which of them; or are the ſaid Legacies due to all or any of the Sons of the ſaid *T. B.* or which of them; if the Executor is not liable to the Payment as aforeſaid, what Anſwer muſt be put in to the Libels given in and admitted againſt him.

A. Unleſs one of the Sons was born after making the Will, or ſome other Circumſtance may appear whereby it can be ſhewn, that the Teſtator meant the two eldeſt Sons, the Legacy will be void for Uncertainty, otherwiſe it muſt be paid to them; but as they are Minors, upon paying the Money into Court the Executor will not be liable to Coſts.

The Opinion.

If there be no ſuch Circumſtance, the Executor may give a Negative Iſſue, and plead to each Libel afterwards, that the ſaid *T. B.* had, at the Time of making the Will, and at the Death of the Teſtator, two other Sons, which will in each Cauſe be ſufficient to excuſe him.

A Caſe concerning a Deviſe to a Minor, as alſo the Diſtribution of his Eſtate with that of the Mother's, both dying, whether to the eldeſt Son as joint Adminiſtrator with her to her younger Son, or whether to her Executor.

MR. *T. R.* (the Father) by his Will deviſes (*inter alia*) to one of his younger Sons 200 *l.* and directs that the Intereſt ſhall be for his Maintenance till he attains the Age of Twenty-one, makes his Wife ſole Executrix, and ſoon after dies, he ſurviving, but died in his Minority.

Q. Whether this 200 *l.* ſhall be conſidered as a lapſed Legacy, and to attend the Reſiduary Diſpoſition, or whether it ſo veſts in the Son as to be liable to a Diſtribution.

A. I am of Opinion that ſuch Legacy is immediately veſted in the Son, and is by his Death to be diſtributed according to the Statute.

Mr. *T. R.* the Son dies Inteſtate, poſſeſſed of a conſiderable Perſonal Eſtate, and his Mother, with *R. R.* his Elder Brother, take out Letters of Adminiſtration.

Before Diſtribution, or any Severance of the Eſtate, the Mother dies, and makes her Eldeſt Son, who adminiſtred with her, Executor.

Q. Whether the diſtributive Share of the Mother ſhall ſurvive to the joint Adminiſtrator, or be conſidered as the Mother's diſtinct and proper Eſtate.

A. The ſurviving Adminiſtrator is not as ſuch intitled to the Share of the Mother, if it ſhall not ſurvive.

Q. Will *R. R.* the Mother's Executor (under the Deſcription of Executor) become intitled to that Diſtributive Share, or is it neceſſary that he ſhould adminiſter *De bonis non?*

A. The Share of the Mother will go together with the Reſidue of her Eſtate to the Executor, unleſs there can be ſome good Cauſe ſhewn, that the Teſtatrix intended it ſhould not.

A Caſe wherein the Inteſtate in his Life-time advanced ſome of his Nephews and Nieces, whether ſuch Sums advanced ſhall be deducted out of their diſtributive Share.

The Caſe.

THE Inteſtate in his Life-time advanced ſome of his Nephews and Nieces, who, as the Repreſentatives of their Deceaſed Parent, are intitled in the Diſtribution.

Q.

Q. Whether the Statute extends to the Nephews and Nieces, ſo as to deduct from their diſtributive Share the Sums advanced by the Inteſtate in his Life-time, ſo as to reduce all the Parties concerned in the Diſtribution to an Equality.

The Opinion.

I am of Opinion, that the Statute does not extend to the next of Kin, but the Reſidue of the Deceaſed's Eſtate will be equally divided among them, not reckoning what he had given to any of them in his Life-time.

A Caſe on the Grant of an Adminiſtration.

J. *L.* Eſq; died Inteſtate, leaving *E. L.* his only Brother and next of Kin.

E. L. poſſeſſed his Eſtate, but took no Adminiſtration, and died, having made his Will, and four Executors in Truſt for *A. M.* his Infant Daughter, who is next of Kin to *J. L.*

Q. Whether the Adminiſtration to *J. L.* will be granted to the Executors of *E. L.*

A. If *E. L.* was the only Perſon intitled to the Perſonal Eſtate of *J. L.* and ſubject to no Diſtribution, then the Executors of the Will of *E. L.* may have the Adminiſtration.

A Caſe on retracting a Renunciation of Letters of Adminiſtration.

T. C. died Inteſtate. Letters of Adminiſtration were granted to *S. C.* his Widow in ——— in the Year ———

S. C. died, and left ſome of the Goods of *T.* unadminiſtred. In —— in the Year ——— Letters of Adminiſtration *de bonis non, &c.* of *T.* were granted to *E. H.* as Guardian to *T.* and *J. C.* Minors, the Children.

E. H. died and left the Eſtate unadminiſtred. In —— in the Year —— Letters of Adminiſtration *de bonis, &c.* of *T. tam quam, &c.* were granted to *B. R.* as Guardian to *T.* and *J.* the Minors.

Note; Here *S. C.* a Daughter of the Deceaſed, being of Age, came and renounced her Right to the ſaid Letters of Adminiſtration.

Upon the —— of ——— in the Year —— the ſaid *S. C.* being now the Wife of *D. J.* who is an Inſolvent Perſon living in the *Mint* in *Southwark*, appeared before one of the Surrogates to the Judge of the Prerogative Court, alledged that the Adminiſtration granted to *B. R.* was expired by reaſon of the Death of *J. C.* and the full Age of *T.* the two Minors aforeſaid; and prayed that ſhe might be admitted to retract her Renunciation made by her at the Time of granting the Adminiſtration as aforeſaid to *B. R.* and that Letters of Admini-

miniſtration *de bonis non*, &c. of her Father *T. C.* might be granted to her.

The ſaid *S. C.* otherwiſe *J.* was admitted to retract her Renunciation, and Letters of Adminiſtration *de bonis non*, &c. of her Father *T.* were granted to her.

Q. Could the ſaid *S. J.* otherwiſe *C.* retract her ſaid Renunciation, and is the Adminiſtration *de bonis non*, &c. of her Father *T.* regularly granted to her, ſhe having once renounced the ſame.

The Opinion.

I am of Opinion, that upon *S.* the Daughter's Renunciation, the Adminiſtration was well granted to the Minors who took it by their Guardian, that ſuch Grant before any Renunciation by *S.* *Re integra* fixes the Adminiſtration in the Brothers excluſive of her; that ſuch Adminiſtration only expiring by the Majority of *T.* (*J.* being dead) the Right under the firſt Grant ſtill continues tho' the Guardianſhip ceaſes; and that *T.* being now of full Age may take it again in his own Name, it being but a Continuance of the firſt Grant as to Matter of Form, it not being a Grant *de novo* of a Right to let in *S.* to retract and pray ſuch Adminiſtration.

Q. Will the ſaid Adminiſtration granted to *S. J.* be revoked and granted to *T. C.* now being of Age (for whoſe Uſe and Benefit *B. R.* had it) upon his praying the ſame, or whether may it not be revoked at

the Inſtance of an Attorney ſpecially appointed by the ſaid *T.* who is now at ——?

A. I am of Opinion, that *T.* may by an Attorney ſpecial call *S.* to ſee ſuch Adminiſtration revoked and granted to him purſuant to ſuch his former Right.

A Caſe on a Contract of Marriage.

The Caſe.

A. *B.* ſingle Woman, aged nineteen and upwards, without Conſent of Friends enters into an abſolute Contract *de præſenti* of Marriage with *C. D.* after ſuch Contract *A. B. de facto* actually marries *E. F.*

1*ſt* Q. Is it in the Power of *C. D.* to give *A. B.* ſuch a Releaſe as will make her Marriage with *E. F.* legal and valid?

2*d* Q. If ſuch a Releaſe may by Law be given by *C. D.* would it not be proper for *A. B.* and *E. F.* to ſolemnize Matrimony over again?

The firſt Opinion.

1. A Contract *de præſenti* is a real Marriage, and only wants the outward Form and Ceremony; and it is not in the Power of the contracting Parties to releaſe one another from ſuch Contract. I don't think the Woman's being a Minor, and her entering into this Contract, will much vary the Caſe, for ſhe was of ſufficient Age to contract Matrimony; and altho' ſhe ought not

not to have enter'd into ſuch a Contract without the Conſent of her Parents or Guardians, yet the Want of ſuch Conſent does not deſtroy the Contract, no more than it would deſtroy a Marriage ſolemnized in the Face of the Church.

2. As no ſuch Releaſe can by Law be given by *C. D.* it would be to no Purpoſe for *A. B.* and *E. F.* to ſolemnize Matrimony over again, for the Contract, which cannot be releaſed, remains ſtill a Bar to any ſubſequent Marriage.

The ſecond Opinion.

By the Canon Law, as it is received in *England*, and become Part of the Laws of the Realm, a Contract in Words of the preſent Time ſeriouſly and ſolemnly made, is in Truth and Subſtance Matrimony indiſſoluble. It has been the general Opinion of learned Divines and Lawyers, that tho' there ſhould be no Evidence, according to the Rules of the Law, of ſuch Eſpouſals, the Parties having really, tho' ſecretly contracted themſelves, yet they are thereby become ſo far Man and Wife before God, that neither can, with a ſafe and good Conſcience, marry elſewhere ſo long as the other Party liveth. Upon the whole Caſe therefore I am of Opinion, that *A. B.* aged nineteen, by entring into an abſolute Contract of the preſent Time with *C. D.* may be compelled by Eccleſiaſtical Cenſures to ſolemnize a Marriage with him in the Face of the Church; and that the Marriage with *E. F.* will (upon proper Proofs of the a-

bove ſtated Contract) be adjudged null and void in Law.

The Opinion of the Court, delivered by the Judge thereof before whom the ſaid Cauſe was determined, runs thus:

THAT there was no Room to ſuſpect any Colluſion between *A. B.* or *E. F.* (*a*) and *C. D.* that *A. B.*'s Letters were wrote before her Marriage; that *C. D.* was not to blame, for ſhe would have it ſo; that had ſhe not been married, the Caſe would have been otherwiſe; that there was nothing in Difference of Age or Fortune; and that a Contract of the preſent Time is indiſſoluble. But then that the Contract was a ſecret one; that the Law was unfavourable to ſecret Contracts; that by the 105th Canon, the ſole Confeſſion of Parties is not ſufficient to ſet aſide a ſecond Marriage; that *C. D.* had prayed his ſuppletory Oath; that *A. B.* had not made a full Confeſſion of the Contract; that if ſhe had, the Proof which the Law requires to be ſufficient would not have been ſo, tho' he had been allowed his ſuppletory Oath, becauſe it would have reſted ſolely upon the Confeſſion of the Parties; that he did not deſign to marry her till ſhe ſhould be of Age; that neither of them knew the Strength of their Contract in Law when they enter'd in it; and therefore let *E. F.* be put to no further Trouble (*b*).

(*a*) The Perſon whom *A. B.* afterwards married.

(*b*) See the whole Trial at large in a Book intitled, *The Contract violated, or the Haſty Marriage*; written by *J. Goole*, M. A. and ſold by *J. Wilford*, Price 2 *s.* 6 *d.*

A *Caſe concerning an Inceſtuous Marriage.*

The Caſe.

SIR *L. W. C.* marries with Mrs. *A. P.* Siſter to the Lady *H. M.*

Lady *A. C.* dies.

Sir *L. W. C.* afterwards marries with Mrs. *P. M.* Daughter of Lady *H. M.* being his Wife's Siſter's Daughter.

Q. Whether the Marriage be an Inceſtuous Marriage?

The firſt Opinion.

I am of Opinion, that all Marriages contracted between Perſons related by Conſanguinity or Affinity within the prohibited Degrees are Inceſtuous, and upon Proſecution in the Eccleſiaſtical Court will be declared void; and that this Marriage of Sir *L. W. C.* with Mrs. *M.*'s Niece, *viz.* Siſter's Daughter of his former Lady, is within the Degrees ſo prohibited.

The ſecond Opinion.

I am of Opinion that the Marriage is Inceſtuous; this Degree is expreſly mentioned in Archbiſhop *Parker*'s *Table*, *Anno Domini* 1563. which is confirmed by the 99th Canon in the Year 1603. and in the Caſe of *Man*, cited by my Lord *Vaughan* in

in his Reports, *Hill* and *Good*, where a Prohibition was granted as to this very Degree, as not within the Levitical Law, a Conſultation was granted.

Q. Upon a Proſecution will the ſaid Marriage be declared void?

By the aforeſaid Canon 99, ſuch Marriage is adjudged inceſtuous and unlawful, and muſt be diſſolved as void from the beginning; and the Parties ſo married muſt by Courſe of Law be ſeparated.

A Caſe of Baſtardy.

1*ſt* Q. WHether the Church-wardens be obliged to preſent upon the Oath of the Mother only?

2*d* Q. Whether any other Pariſhioner can preſent the Church-warden for Neglect of Duty if he omit to preſent?

3*d* Q. Whether if the Church-wardens ſhould preſent, will the Mother's Oath alone be admitted in Court for full Proof of the Fact, as no criminal Correſpondence or Converſation can any ways be proved?

4*th* Q. If the Mother's ſingle Oath be admitted, what Method will be beſt to proceed?

1*ſt A.* The Church-wardens are obliged to preſent upon the Oath of the Mother, that is common Fame.

2*d A.* If the Church-wardens do neglect their Duty in not preſenting, any other Pa-

Pariſhioner may preſent ſuch Church-wardens for Omiſſion of their Duty.

3*d A.* If no criminal Correſpondence or Converſation can any ways be proved, the Oath of the Mother alone muſt be left to the Determination of the Judge, whether her Oath will be admitted as full Proof of the Fact.

4*th A.* This depends upon the Admiſſion of the Oath of the Mother, which I cannot determine.

A Caſe concerning a Preſcriptive Right to a Pew in the Church.

The Caſe.

A. *B.* of ——— being ſeiſed in Fee of a Houſe in ——— to which a ſmall ſingle Pew in the Church did for Time out of Mind belong, which Pew was peaceably and quietly enjoyed by the ſaid *A. B.* who as often as there was Occaſion did repair the ſame at his own proper Coſts and Charges. *C. D.* of the ſaid Town of ——— did ſit in a little Pew which would hold two Perſons, joining to the one End of *A. B.*'s Pew.

About Twenty-four Years ago *A. B.* with the Conſent of *C. D.* and the then Church-wardens, did take down the Partition which divided the two Pews, and thereby the little Pew which *C. D.* ſat in was added to *A. B.*'s Pew.

As

As long as *A. B.* lived afterwards he quietly and peaceably enjoyed the whole Pew, as well his own Part as that which was added to it, and did as often as occaſion repair the ſame at his own proper Coſts and Charges.

The ſaid Houſe in —— upon the Death of the ſaid *A. B.* with all its Appurtenances, did deſcend to his Grandſon *E. F.* of —— who did for many Years, as being Owner of the ſaid Houſe, peaceably and quietly enjoy the ſaid Pew, conſtantly ſat therein, and as often as occaſion repair'd the ſame at his own proper Coſts and Charges.

E. F. did on or about the ——— Day of ——— in the Year ——— for a valuable Conſideration, convey the ſaid Houſe and all his Eſtate, Right, Title and Property belonging to the ſame, or in any wiſe appertaining, or therewith uſed, occupied and enjoyed to *G. H.* of ——

The ſaid *G. H.* does now claim the ſaid Pew as belonging to his Houſe, which he purchaſed of *E. F.*

The Opinion.

Q. Has *G. H.* a Right to the whole Pew, or to any, and what Part of it?

A. I apprehend *G. H.* by a Preſcriptive Right, can only be intitled to that Part of the Pew which was enjoyed by *A. B.* before *C. D.*'s Pew was laid to it, and which before that was Time out of Mind enjoyed by *A. B.* and thoſe under whom he claimed, as belonging to the Houſe, and was repaired by them.

Q.

Q. Did Mr. *A. B.* deſtroy the Preſcriptive Right to his own Pew by adding the little Pew to it wherein *C. D.* ſat, or has *G. H.* a good Right to ſo much of the preſent Pew which did antiently belong to his Houſe?

A. I don't ſee that the Preſcriptive Right is deſtroyed by adding the other to it, if the Limits and exact Bounds of the firſt can now be aſcertained in the ſame Manner it was enjoyed before the Addition; and therefore I think, in order to continue the Preſcriptive Right clear, it will be beſt to put up the Partition again in the ſame Manner it was at firſt; and if *G. H.* wants the other, to get a Faculty for it, or a Title to it, under thoſe who have a Right to diſpoſe of Places in that Church.

A Caſe relating to the auditing and paſſing Church-wardens Accounts.

The Caſe.

THE late Church-wardens of —— in —— have given up their Accounts to the Perſons who by the Pariſh at a publick Pariſh Meeting were choſe to audit the ſame; and the ſaid Accounts in the publick Veſtry were by them audited and allowed according to the antient and uſual Cuſtom; and the Pariſhioners have ſince at a publick Pariſh Meeting made an order to

indemnify the Wardens from any further Trouble they may be at on that Account.

Two of the Pariſhioners who paid Levies before the uſual Time of paſſing their Accounts, (which was as ſoon as the new Wardens were ſworn in) cited the Wardens to account at ——— upon Oath, to which Citation they have appeared, and craved a Time to exhibit their Accounts.

Q. Whether the Court of ——— has a Power to oblige the late Wardens to account there, they having already accounted with the Pariſh?

This Queſtion is at preſent depending in the Court of Exchequer; upon a Prohibition the Judges of that Court ſeem to be of Opinion, that the Ordinary has no Power to call for the Church-wardens Accounts after they have been paſſed by the Pariſh, tho' the Determinations in our Courts have been, that the Ordinary is not excluded thereby, but may notwithſtanding they have been paſs'd require them to be exhibited upon Oath before him. In the preſent Caſe, as far as relates to our Courts, the Church-wardens have, I conceive, bound themſelves by praying a Time to exhibit them; ſo that if they ſhould be proceeded againſt for Contempt, they could expect no Redreſs upon an Appeal.

Q. If the Court of ——— has no ſuch Power, what Allegation will be proper to make upon the Day aſſigned to exhibit the Accounts.

The firſt Opinion.

If they are willing to try this Point, they muſt alledge, that a Veſtry was duely ſummoned, and their Accounts audited and ſettled by a Majority of the Pariſhioners aſſembled, ſetting forth the Time and Order of Veſtry, and pray to be diſmiſſed. To this Allegation they muſt have the Anſwers of the adverſe Party, and if denied, proceed to Proof; tho' the ſecureſt Way, and the leaſt Trouble, I conceive, would be to give in an Affidavit, ſetting forth that their Accounts were paſs'd in Veſtry, and to annex a Copy of the Account as it was paſs'd, as it appears in the Veſtry Book, and to pray to be diſmiſs'd. If the Court ſhould permit the others to give Exceptions to the Accounts, it would be a good Ground for an Appeal.

The ſecond Opinion.

If at the firſt Appearance to the Citation they had alledged, that their Accounts had been regularly paſs'd in publick Veſtry before they were ſerved with the Citation, I conceive the Court of —— could not have obliged them to account there again, for ſo the Law is now generally received in the Courts of Juſtice; but ſince upon their Appearance they craved a Time to exhibit their Accounts, I think they have thereby ſo far ſubmitted themſelves to the Juriſdiction of the Court, that they ought to exhibit their Accounts there.

When

When they do exhibit their Accounts into the Court of —— in Compliance with what they have undertaken to do, they muſt alledge at the ſame Time, that their Accounts have been audited and allowed in a publick Veſtry of the Pariſh, and they ought to annex thereto an authentick Copy of the Order of Veſtry, by which their Accounts were allowed, that the Court may have ſome Proof of what is alledged; and this being done, they may inſiſt upon their being diſmiſſed from any further Vexation from particular Pariſhioners, their Accounts having been approved by the whole Body of the Pariſh duly aſſembled in Veſtry.

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